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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No.FAA–2022–0267; Airspace Docket No. 22–ASO–4]

RIN 2120–AA66

Revocation of Class E Airspace; Winfield, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace in Winfield, FL, as I–10 Helistop Heliport has been abandoned and controlled airspace is no longer required. This action enhances the safety and management of controlled airspace within the national airspace system.

DATES: Effective 0901 UTC, September 8, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E airspace extending upward from 700 feet above the surface at I–10 Helistop Heliport, Winfield, FL, due to the closing of the heliport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 19412, April 4, 2022) for Docket No. FAA–2022–0267 to remove Class E airspace extending upward from 700 feet above the surface at I–10 Helistop Heliport, Winfield, FL.

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by removing Class E airspace extending upward from 700 feet above the surface at I–10 Helistop Heliport, Winfield, FL, as the heliport has closed. Therefore, the airspace is no longer necessary. This action enhances the safety and management of controlled airspace within the national airspace system.

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

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Winfield, FL [Removed]

Issued in College Park, Georgia, on June 1, 2022.

Andreese C. Davis,

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

[FR Doc. 2022–12141 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2022–0402]

Special Local Regulation; Dutch Shoe Regatta; San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Dutch Shoe Regatta special local regulation on the waters of San Diego Bay, California on July 22, 2022. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced for the Dutch Shoe Regatta regulated area listed in item 4 in Table 1 to § 100.1101 from 11 a.m. to 4 p.m. on July 22, 2022.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the Dutch Shoe Regatta in San Diego Bay, CA for the location described in Table 1 to § 100.1101, Item No. 4 of that section Regatta from 11 a.m. to 4 p.m. on July 22, 2022. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eleventh Coast Guard District, § 100.1101, specifies the location of the regulated area for the Dutch Shoe Regatta which encompasses the waters of San Diego Bay, CA, from Shelter Island to Glorietta Bay. Under the provisions of § 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Safety Marine Information Broadcast, and local advertising by the event sponsor.

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

Dated: June 1, 2022.

T.J. Barelli,

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

[FR Doc. 2022–12231 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0431]

RIN 1625–AA00

Safety Zone; Barge Fire; Captain of the Port Delaware Bay Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard establishing a temporary moving safety zone within the Captain of the Port Delaware Bay Zone near the barge with Hull Number: CMTYNOT6. This action is needed to provide for the safety of life on these navigable waters from a barge fire and all associated emergency response actions. This rulemaking prohibits persons and vessels from being in the regulated areas during the enforcement period unless authorized entry by the Captain of the Port (COTP), Delaware Bay Zone or a designated representative.

DATES: This rule is effective without actual notice from June 7, 2022 through June 15, 2022. For the purposes of enforcement, actual notice will be used from May 30, 2022, until June 7, 2022 unless canceled earlier by the Captain of the Port Delaware Bay.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0431 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email email MST2 Thomas Welker, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone (215) 271–4889, email *Thomas.J.Welker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On May 23, 2022, the Coast Guard issued a rulemaking creating a temporary safety zone on the navigable waters of the Delaware Bay Captain of the Port Zone to protect persons and

vessels during response operations associated with a barge fire. A copy of the rulemaking ending on May 30, 2022, is available in the Docket USCG–2022–0431, which can be found using instructions in the **ADDRESSES** section. However, additional time is needed to conduct response and salvage operations including damage assessment, cargo removal, dewatering, and the movement of the barge to an adequate facility, and, as a result, the Coast Guard is establishing through temporary regulations a safety zone what will be in effect through June 15, 2022, unless canceled earlier by the COTP. The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable and contrary to the public interest. The Coast Guard was unable to publish an NPRM and hold a reasonable comment period for this rulemaking due to the emergent nature of the barge fire response and salvage operations. Immediate action is needed to provide for the safety of life on these navigable waters during response and salvage operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to provide for the safety of life on these navigable waters during response and salvage operations.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Delaware Bay (COTP) has determined that potential hazards associated with response and salvage operations will be a safety concern for anyone within a 500-yard radius of the barge (Hull Number: CMTYNOT6), and emergency response vessels, machinery, and equipment. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while response and salvage operations are being conducted.

IV. Discussion of the Rule

This rule establishes a temporary safety zone that will be enforced from May 30, 2022, through June 15, 2022, unless canceled earlier by the Captain of the Port, Delaware Bay. The safety zone will cover all navigable waters in the Captain of the Port Delaware Bay Zone within 500 yards of the barge (Hull Number: CMTYNOT6), and vessels, machinery, and equipment being used in response and salvage operations for that barge which had caught on fire on May 23, 2022. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters until completion of response and salvage operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and location of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of the waters of the Delaware Bay Captain of the Port Zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within 500 yards of the barge, vessels, and machinery being used in emergency response operations. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0431 to read as follows:

§ 165.T05–0431 Safety Zone; Barge Fire; Captain of the Port Delaware Bay Zone

(a) *Location.* The following area is a safety zone: All waters in the Captain of the Port Delaware Bay Zone within 500 yards, from surface to bottom, of the barge (Hull Number: CMTYNOT6), and vessels, machinery, and equipment being used in emergency response and salvage operations for that barge.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from May 30, 2022, through June 15, 2022, unless canceled earlier by the COTP.

Dated: May 29, 2022.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2022–12212 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0437]

Safety Zones; Delaware River; DRWC Fireworks; Penn's Landing

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Penn's Landing, Delaware River, Philadelphia, PA; Safety Zone from 8:30 p.m. through 9:15 p.m. on June 8, 2022 to provide for the safety of life on navigable waterways during this firework event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10, will be enforced 8:45 p.m. through 9:15 p.m. on June 8, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Thomas Welker, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *Thomas.j.welker@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 for the DRWC Fireworks Display from 8:30 p.m. until 9:15 p.m. on June 8, 2022. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of Delaware River, adjacent to Penn's Landing, Philadelphia, PA, within 500 yards of the launch site at approximate position latitude 39°56′49″ N, longitude 075°08′11″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or

designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: June 1, 2022.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2022–12266 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0188; FRL–9775–02–R4]

Air Plan Approval; Kentucky; Source Specific Changes for Jefferson County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet), on March 4, 2020, and supplemented on January 28, 2022. The changes were submitted on behalf of the Louisville Metro Air Pollution Control District (District), which has jurisdiction over Jefferson County, Kentucky, and make changes to a Reasonably Available Control Technology (RACT) determination for a specific major source of nitrogen oxides (NO_X) and volatile organic compound (VOC) emissions. EPA is approving these changes as they are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective July 7, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2021–0188. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached via electronic mail at *larocca.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is approving changes to the Kentucky SIP that were received by EPA on March 4, 2020, and supplemented on January 28, 2022. Approval of this submission incorporates Board Order—Amendment 2, issued by the Air Pollution Control Board of Jefferson County (Board) for American Synthetic Rubber Company (ASRC), into the SIP. This amended Board Order [1] replaces in the SIP the existing Board Order issued by the Board for ASRC.

II. Analysis of State Submission

Three counties in the Louisville area (Jefferson County in Kentucky and Clark and Floyd Counties in Indiana) were designated as nonattainment for ozone on March 3, 1978 (43 FR 8962). On November 6, 1991 (56 FR 56694), after the CAA Amendments of 1990 were enacted, Jefferson County and portions of Bullitt and Oldham Counties in Kentucky and the Indiana Counties of Clark and Floyd were designated as the Louisville Moderate ozone nonattainment area (Louisville Area) under section 107(d)(4)(A) as a result of monitored violations of the 1979 1-hour ozone national ambient air quality standards (NAAQS) during 1987–1989.[2]

Section 182(b)(2) of the CAA requires states to adopt RACT for all major stationary sources of VOC in Moderate and above ozone nonattainment areas. Section 182(f) of the CAA requires that the same provisions for major stationary sources of VOC shall also apply to major stationary sources of NO_X. Therefore, pursuant to section 182(f), RACT is a requirement, with certain exceptions described therein, for major sources of NO_X in ozone nonattainment areas where VOC RACT applies.

To comply with the NO_X RACT requirement, which was a result of the Moderate nonattainment area designation for the 1-hour ozone NAAQS, the District submitted Jefferson County Air Quality Regulation 6.42, *Reasonably Available Control Technology Requirements for Major Volatile Organic Compound- and Nitrogen Oxides-Emitting Facilities,* to EPA approval.[3] Regulation 6.42 requires the establishment and implementation of RACT, including the determination and demonstration of compliance with RACT, for certain emission units located at a major stationary source of NO_X or VOC emissions and requires that each determination of RACT approved by the District be submitted to EPA as a source-specific revision to the Kentucky SIP. RACT is defined at paragraph 1.66 of District Regulation 1.02 as meaning ''devices, systems, process modifications, or other apparatus or techniques, including pollution prevention approaches, that are reasonably available taking into account the necessity of imposing those controls in order to attain and maintain a national ambient air quality standard and the social, environmental, and economic impact of those controls.''

As discussed in EPA's June 22, 2001 (66 FR 33505), proposal to redesignate the Louisville Area to attainment for the 1979 1-hour ozone NAAQS, Regulation 6.42 has been implemented in part by means of Board Orders adopted by the Air Pollution Control Board of Jefferson County. Such Board Orders contain NO_X RACT and VOC RACT plans, which set forth RACT requirements for the source, including monitoring, recordkeeping, and reporting requirements, as attachments.

On August 1, 2019, ASRC submitted a proposed RACT plan to the District for three new boilers, referred to as Boilers B5, B6, and B7, that are planned to be constructed to replace the facility's existing Boiler Nos. 1, 2, 3, and 4. The Board approved Board Order—

[1] A Board Order issued by the Board is a regulatory instrument which specifies air pollution control limits or requirements for a specific source or company. *See* 66 FR 53665, 53671 (October 23, 2001) (Response 2I).

[2] The Louisville Area was subsequently redesignated to attainment for the 1979 1-hour ozone NAAQS. *See* 66 FR 53665 (October 23, 2001). More recently, the Louisville Area was designated as Marginal nonattainment for the 2015 ozone NAAQS. *See* 83 FR 25776 (June 4, 2018).

[3] EPA incorporated Regulation 6.42 into the Jefferson County portion of the Kentucky SIP on October 23, 2001. *See* 66 FR 53658.

Amendment 1 on November 20, 2019. Board Order—Amendment 1 includes as an attachment a revised RACT plan that addresses RACT for both NO_X and VOC emissions.[4] On March 4, 2020, the District, through the Cabinet, submitted a SIP revision to EPA to replace the existing Board Order for ASRC with Board Order—Amendment 1. On November 17, 2021, the Board approved Board Order—Amendment 2, which includes an updated RACT plan.[5] On January 28, 2022, the District, through the Cabinet, submitted to EPA a supplement to the March 4, 2020, SIP revision to replace Board Order—Amendment 1 with Board Order—Amendment 2.

In a notice of proposed rulemaking (NPRM) published on April 26, 2022, *see* 87 FR 24510, EPA proposed to approve changes to the Jefferson County portion of the Kentucky SIP provided on March 4, 2020, and supplemented on January 28, 2022. The April 26, 2022, NPRM provides additional detail regarding the background and rationale for EPA's action. Comments on the NPRM were due on or before May 26, 2022. No comments were received on this action.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Board Order—Amendment 2, including the attached VOC/NO_X RACT Plan, for ASRC, effective November 17, 2021, as discussed in Section II of this preamble. Also in this document, EPA is finalizing the removal of the Board Order for ASRC effective January 1, 2001, from the Kentucky SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made, and will continue to make, the SIP generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information) section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[6]

IV. Final Action

EPA is approving the replacement of the existing Board Order in the Kentucky SIP for ASRC with Board Order—Amendment 2, including the attached VOC/NO_X RACT Plan, for ASRC, effective November 17, 2021, because it achieves at least the same level of NO_X emission reductions as the previously SIP-approved Board Order and meets the VOC RACT requirements of Regulation 6.42. ASRC's replacement of two existing coal-fired boilers and two existing natural gas-fired boilers with three new natural gas-fired boilers will achieve NO_X and VOC emission reductions at the facility, and there are no potential air pollutant emission increases associated with this proposed SIP revision. EPA is approving these changes because they are consistent with SIP-approved Jefferson County Air Quality Regulation 6.42 and with the CAA.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 8, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of

[4] The existing SIP-approved Board Order does not include VOC RACT requirements.

[5] Specifically, the RACT plan was updated to include revised NO_X monitoring requirements that are better suited to the 30-day rolling average NO_X limit for the new boilers.

[6] *See* 62 FR 27968 (May 22, 1997).

such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Incorporation by reference, Nitrogen oxides, Ozone, Reposting and recordkeeping requirements, Volatile organic compounds.

Dated: May 31, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. In § 52.920(d), amend the table by:

■ a. Removing the entry for ''Board Order American Synthetic Rubber Company''; and

■ b. Adding an entry at the end of the table for ''Board Order for the American Synthetic Rubber Company—Amendment 2''.

The addition reads as follows:

§ 52.920 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

Name of Source	Permit No.	State effective date	EPA approval date	Explanations
*	*	*	*	*
Board Order for the American Synthetic Rubber Company—Amendment 2.	N/A	11/17/2021	6/7, 2022, [Insert citation of publication].	Including the attached VOC/NO_X RACT Plan.

* * * * *

[FR Doc. 2022–12065 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0573; FRL–9453–02–R9]

Air Plan Approval; California; Mojave Desert Air Quality Management District, Placer County Air Pollution Control District; Correcting Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On May 9, 2022, the Environmental Protection Agency (EPA) published a final rule in the **Federal Register** approving revisions to the Mojave Desert Air Quality Management District (MDAQMD), and Placer County Air Pollution Control District portions of the California State Implementation Plan (SIP). In that rulemaking, the EPA inadvertently included erroneous amendatory instructions codifying the replacement of the previously approved version of MDAQMD Rule 1115. This document corrects that error in the final rule's amendatory instructions.

DATES: This action is effective on June 8, 2022.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, (415) 972–3073, *gong.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: In our final rule published May 9, 2022, the EPA inadvertently included errors in amendatory instructions that codified our deletion with replacement of the previously-approved version of MDAQMD Rule 1115, ''Metal Parts and Products Coating Operations,'' as amended on January 22, 2018, at 40 CFR 52.220(c)(518)(i)(A)(*6*). That paragraph of the California SIP already codifies a similar deletion with replacement for MDAQMD Rule 1114, ''Wood Products Coating Operations.'' This error correction corrects the amendatory instructions to codify the replacement of the previously-approved version of MDAQMD Rule 1115 in a new paragraph at (c)(518)(i)(A)(*8*).

In FR Doc. 2022–09726 appearing on page 27527 in the **Federal Register** of Monday, May 9, 2022, the following corrections are made:

§ 52.220 [Corrected]

■ 1. On page 27527, at the top of the third column, instruction 2, ''Section 52.220 is amended by adding paragraphs (c)(193)(i)(A)(*4*), (c)(419)(i)(B)(*2*), (c)(518)(i)(A)(*6*), and (c)(571) to read as follows:'' is corrected to read as ''2. Section 52.220 is amended by adding paragraphs (c)(193)(i)(A)(*4*), (c)(419)(i)(B)(*2*), (c)(518)(i)(A)(*8*), and (c)(571) to read as follows:''

■ 2. On page 27527, at the bottom of the third column, in § 52.220, redesignate paragraph (c)(518)(i)(A)(*6*) as paragraph (c)(518)(i)(A)(*8*).

Dated: May 31, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–12175 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2021–0374; FRL–9898–01–R5]

Illinois: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Illinois final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a Proposed Rule on February 1, 2022 and provided for public comment. No comments were received on the proposed revisions. No further opportunity for comment will be provided.

DATES: This final authorization is effective June 7, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2021–0374. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some

information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Norberto Gonzalez, U.S. EPA, Region 5, Land and Chemicals Branch, 77 West Jackson Boulevard, Mail Code LL–17J, Chicago, Illinois 60604, email: *gonzalez.norberto@epa.gov,* phone number (312) 353–1612.

SUPPLEMENTARY INFORMATION:

A. What changes to Illinois hazardous waste program is EPA authorizing with this action?

On May 25, 2021, Illinois submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Illinois's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the February 1, 2022, **Federal Register** at Illinois: Proposed Authorization of State Hazardous Waste Management Program Revision (87 FR 5450, February 1, 2022).

B. What is codification and is EPA codifying the Illinois hazardous waste program as authorized in this rule?

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. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Illinois's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart O for the authorization of Illinois's program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Illinois's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the **Federal Register** at Illinois: Proposed Authorization of State Hazardous Waste Management Program Revision (87 FR 5450, February 1, 2022). 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. 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). This final action will be effective June 7, 2022.

List of Subjects in 40 CFR Part 271

Environmental protection, administrative practice and procedure, confidential business information, hazardous waste, hazardous waste transportation, Indian lands, intergovernmental relations, penalties, reporting and recordkeeping requirements.

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: May 31, 2022.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2022–12185 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220531–0126]

RIN 0648–BJ86

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Implementation of Emergency Decisions of the Western and Central Pacific Fisheries Commission

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

ACTION: Final rule.

SUMMARY: Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act), NMFS issues this rule to make final an interim rule that established a framework to implement short-notice decisions of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC).

DATES: Effective July 7, 2022, we confirm the effective date of June 11, 2021 of the interim final rule published on June 11, 2021 (86 FR 31178).

ADDRESSES: Copies of supporting documents prepared for this final rule, including the regulatory impact review (RIR), the programmatic environmental assessment (PEA), 2019 supplemental environmental assessment (SEA), and 2021 SEA, as well as the interim final rule (86 FR 31178; June 11, 2021), are available via the Federal e-rulemaking Portal, at *www.regulations.gov* (search for Docket ID NOAA–NMFS–2020–0150). Those documents are also available from NMFS at the following address: Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Rini Ghosh, NMFS PIRO, 808–725–5033.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2021, NMFS published an interim final rule to establish a framework to implement short-notice decisions of the Commission (86 FR 31178; June 11, 2021). The 30-day comment period for the interim final rule closed on July 12, 2021.

The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) is concerned with the conservation and management of highly migratory fish stocks (HMS) and the management of fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the western and central Pacific Ocean (WCPO). To accomplish this objective, the Convention established the Commission, which includes Members, Cooperating Non-members, and Participating Territories (collectively referred to here as ''members''). The United States of America is a Member. American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands are Participating Territories.

This final rule is issued under the authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), which authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the Commission. The authority to promulgate regulations has been delegated to NMFS. The preamble to the interim final rule provides background information on a number of matters, including the Convention and the Commission, and the basis for the regulations, which are not repeated here.

Under the interim final rule, NMFS established a process to implement short-notice WCPFC decisions requiring immediate action that address relevant global or regional health, safety, and security concerns, as well as other international emergencies and crises. NMFS used that process to implement three short-notice WCPFC decisions through temporary specifications that waived specific requirements for purse seine observer coverage, purse seine at-sea transshipment, and at-sea transshipment observer requirements. NMFS has extended those temporary specifications several times, and based on the most recent WCPFC decision to extend the waivers for purse seine observer coverage and at-sea transshipment observer coverage, has extended those two temporary specifications until June 10, 2022 (87 FR 21812; April 13, 2022).

Under the process established in the interim final rule at 50 CFR 300.228, temporary specifications may remain in effect for a period less than one year. Due to current COVID–19 conditions, the Commission has decided to extend the WCPFC decisions to waive specific requirements for purse seine observer coverage and at-sea transshipment observer requirements until June 15, 2022, which is beyond the period of one year, and the Commission may issue additional extensions of those waivers until worldwide COVID–19 conditions improve. Thus, NMFS is simultaneously issuing a separate interim final rule (RIN 0648–BL24) to extend the time period in which COVID–19 related temporary specifications may be effective from less than one year to no later than December 31, 2023, after which date the effective period will revert back to less than one year.

The Action

This final rule makes permanent the changes to 50 CFR part 300, subpart O, that were made by the interim final rule establishing a framework through which NMFS may issue temporary specifications, each for a period less than one year in total, inclusive of all extensions, that promptly suspend or modify specific existing regulations in subpart O. Those regulations were detailed in the interim final rule and implement the United States' obligations under the Convention and WCPFC decisions.

As appropriate, temporary specifications may remain in effect up to 30 days after the expiration of the underlying WCPFC decision to allow NMFS adequate time to issue extensions or changes to the temporary specification, if needed, without unnecessarily exceeding the timeframe of the underlying WCPFC decision.

Any temporary specification issued pursuant to this framework will be published in the **Federal Register** and will include information regarding the basis for the modification or suspension (*i.e.,* a description of the WCPFC decision), the temporary modifications or suspension to the regulations, and the duration of the changes. Under the framework, NMFS may change (including extend, so long as the duration of the original temporary specification in addition to any extension is less than one year) any temporary specification by publishing a new temporary specification in the **Federal Register**. NMFS may revoke any temporary specification by publishing a notification in the **Federal Register**.

Temporary specifications issued under the framework (found at 50 CFR 300.228, and as affirmed in this final rule) shall be limited to the following:

(1) Modifications or suspensions of the purse seine observer coverage requirements at 50 CFR 300.223(e), including suspensions of some or all of the requirements on a fleet-wide or individual vessel basis, requiring the carrying of observers other than WCPFC observers, requirements to carry electronic monitoring devices in lieu of observers, and requirements to collect and submit photographic or written information;

(2) Modifications or suspensions of the regulations at 50 CFR 300.216(b)(1) prohibiting at-sea transshipment for purse seine vessels, including suspensions of some or all of the prohibitions, prior notification for an at-sea transshipment, and suspension of the prohibitions for particular transshipments; and

(3) Modifications or suspensions of the regulations at 50 CFR 300.215(d) and 50 CFR 300.216(b)(2) regarding at-sea transshipment observer requirements, including suspensions of some or all of the requirements, suspension of some or all of the requirements for particular transshipments, requiring the carrying of observers other than WCPFC observers, requirements to carry electronic monitoring devices in lieu of observers, and requirements to collect and submit photographic or written information.

Comments and Responses

NMFS received one comment letter on the interim final rule from the American Tunaboat Association (ATA), which represents U.S. purse seine vessels operating in the Pacific Ocean. ATA's letter contained several discrete comments. The comments are summarized below, followed by responses from NMFS.

Comment 1: ATA supports the interim final rule and appreciates that the rule responds in large part to ATA's comments submitted in response to a separate NMFS rulemaking that addressed observer coverage requirements during the COVID–19 pandemic.[1] ATA understands that the rule will apply only to suspension of WCPFC purse seine observer coverage requirements, suspension of the prohibition against purse seine transshipment at sea, and suspension of the at-sea transshipment observer coverage requirements. ATA supports NMFS's ability to quickly implement short-notice WCPFC decisions on these matters to ensure minimal disruption to

[1] See 86 FR 16307, published March 29, 2021.

the operations of the U.S. purse seine fleet.

Response: NMFS acknowledges the comment and agrees with ATA's understanding of the rule.

Comment 2: ATA requests NMFS to ensure that its adoption and implementation of the interim final rule and temporary specifications comply with the Administrative Procedure Act's (APA) requirements to provide the public with notice and an opportunity to comment before adopting a rule, and to provide a 30-day delay in the effective date of any substantive rule. These requirements ensure that interested and affected persons have an opportunity to alert NMFS to potential legal and practical problems arising from a rule before it is finalized, and allow interested and affected persons to adjust behavior before the rule goes into effect. According to ATA, NMFS's framework for adopting temporary specifications does not include an opportunity to comment, does not include any delay in the effective date of the regulatory change, and does not give any indication that NMFS would rely on the good cause exceptions in Section 553 of the APA to waive those provisions. According to ATA, providing some delay in the effective date and some opportunity to comment on the adoption, change, or revocation of temporary specifications issued under the framework is essential for ensuring that ATA members receive adequate opportunity to participate in the process and for ensuring that NMFS implements short-notice Commission decisions in the most effective manner possible. ATA also stated that providing some delay in the effective date and some opportunity to comment on the adoption, change, or revocation of temporary specifications issued under the framework could strengthen the legal viability of NMFS's approach.

ATA states that NMFS should ensure that members of the regulated community receive a fair opportunity to adjust their behavior to comply with the adoption, change or revocation of temporary specifications. According to ATA, making a framework action immediately effective could render compliance impossible or could be extremely costly for ATA members. ATA gives the following example. If NMFS were to immediately revoke the observer waiver specifications during the middle of an ATA member's fishing trip, that member would face the threat of an enforcement action for any fishing done without an observer that occurred before the members learned of the revocation. If the ATA member had real-time notice of the revocation, that member would be forced to immediately stop fishing and return to a port where an observer could be made available, which could cause economic harm. ATA suggests that NMFS alter the interim final rule so that it provides an adequate effective-date delay for those actions that would impose new or restore preexisting obligations. Alternatively, ATA suggests addressing the problematic situation in each temporary specification. For example, for the situation described above regarding revocation of the purse seine observer waiver, ATA suggested that NMFS could clarify in the relevant **Federal Register** publication that the revocation would become effective after an appropriate number of days or on a vessel-by-vessel basis, as each vessel commences its first post-revocation fishing trip.

ATA states that NMFS should also provide an opportunity for public comment on temporary specifications before they become final. According to ATA, without some opportunity to comment on temporary specifications before they are finalized and go into effect, ATA members may be subject to significant sunk costs without any process. For example, the framework contemplates the potential adoption of a temporary specification requiring the use of electronic monitoring devices in lieu of observers. According to ATA, the costs to obtain and install such devices would be significant and permanent. If video cameras were used, ATA members would want to comment on how footage could be used and on enforcement implications of those uses of footage.

Response: NMFS appreciates ATA's concerns and the suggestions provided. The framework process, established at 50 CFR 300.228, allows NMFS to implement short-notice WCPFC decisions in an efficient manner, but we note that the framework process applies only when time is of the essence. Under the framework, NMFS may implement short-notice WCPFC decisions through publication of a notification of a temporary specification in the **Federal Register** instead of through changes or additions to codified regulations. NMFS may also revoke or modify such temporary specifications through notification in the **Federal Register**, rather than through changes or additions to codified regulations. However, the new framework process does not create a blanket exemption to the APA's section 553 requirements for prior notice and opportunity for public comment and for the 30-day delay in the effective date of a new rule (5 U.S.C. 553). If NMFS decides to use the framework process to publish a temporary specification without providing prior notice or opportunity for public comment or the 30-day delay in effective date, NMFS would comply with the APA section 553 requirements and would only waive those requirements when there is justification to do so, and would explain the reasoning for the waiver(s) in the temporary specification. Section 553(b)(B) identifies those circumstances in which the agency may waive requirements for prior notice and comment: when the agency finds, for good cause, that compliance is impracticable, unnecessary, or contrary to the public interest. Section 553(d) identifies those circumstances in which the agency may waive the requirement for the 30-day delay in the date of effectiveness, including when a substantive rule grants or recognizes an exemption or relieves a restriction, when the agency finds good cause, which is published with the rule. Examples of circumstances that NMFS believes may support such waivers include emergencies, situations where delay may frustrate the accomplishment of a statutory purpose, pandemics (such as the COVID–19 pandemic), or where the public has already been afforded a prior opportunity for public comment. NMFS evaluates the need for waiver of prior notice and opportunity for public comment and the need for waiver of the 30-day delay in the date of effectiveness for each temporary specification issued under the framework on a case-by-case basis. NMFS believes that Section 553 of the APA provides adequate safeguards to ensure that the concerns raised by ATA are addressed.

Comment 3: ATA states that NMFS should clarify the limited scope of the interim final rule. According to ATA, the preamble for the interim final rule contains potentially conflicting statements regarding its scope. Based on the preamble and regulatory language, ATA understands that, through the framework process, NMFS can only modify or suspend provisions concerning requirements contained in 50 CFR 300.223(e), 50 CFR 300.215(d), 50 CFR 300.216(b)(1), and 50 CFR 300.216(b)(2), and that any modification or suspensions would be limited to implementing short-notice Commission decisions, where those decisions address relevant global or regional health, safety, and security concerns, as well as other international emergencies and crises. However, according to ATA, elsewhere in the preamble, NMFS states that the interim final rule establishes a framework through which NMFS may

issue temporary specifications that suspend or modify all existing regulations in 50 CFR part 300, subpart O. ATA requests that NMFS confirm that the interim final rule is limited to implementing Commission decisions related to the specific provisions in 50 CFR part 300 subpart O identified in the regulatory text rather than all of 50 CFR part 300 subpart O. In addition, ATA requests NMFS to clarify if NMFS foresees expanding upon the specific regulations it can suspend or modify using the framework.

Response: As stated in the preamble to the interim final rule, the framework has been established to provide NMFS with a process for efficiently modifying or suspending NMFS regulations in response to short-notice WCPFC decisions, including intersessional decisions that address relevant global or regional health, safety, and security concerns, as well as other international emergencies and crises. This framework helps ensure that NMFS regulations remain consistent with our international obligations, even when those obligations may unexpectedly and quickly change in response to global events of an emergency nature. The purpose of this framework is not to implement the great majority of WCPFC decisions, which NMFS would implement in rules, taking into account that those decisions are to enter into effect at least 60 days after the decision is made, as specified in Article 20(5) of the Convention.

As stated above (see the ''The Action'' heading above), and as detailed at 50 CFR 300.228 (as affirmed in this final rule), temporary specifications issued under the framework in this final rule) are limited to the following types of actions:

(1) Modifications or suspensions of the purse seine observer coverage requirements at 50 CFR 300.223(e), including suspensions of some or all of the requirements on a fleet-wide or individual vessel basis, requiring the carrying of observers other than WCPFC observers, requirements to carry electronic monitoring devices in lieu of observers, and requirements to collect and submit photographic or written information;

(2) Modifications or suspensions of the regulations at 50 CFR 300.216(b)(1) prohibiting at-sea transshipment for purse seine vessels, including suspensions of some or all of the prohibitions, prior notification for an at-sea transshipment, and suspension of the prohibitions for particular transshipments; and

(3) Modifications or suspensions of the regulations at 50 CFR 300.215(d) and 50 CFR 300.216(b)(2) regarding at-sea transshipment observer requirements, including suspensions of some or all of the requirements, suspension of some or all of the requirements for particular transshipments, requiring the carrying of observers other than WCPFC observers, requirements to carry electronic monitoring devices in lieu of observers, and requirements to collect and submit photographic or written information.

The circumstances in which the framework will be used are narrow. Any changes to the regulations at 50 CFR 300.228 would require rulemaking action that would be subject to the APA requirements.

Comment 4: ATA requests that NMFS confirm that two sources of authority presently provide for the waiver of observer requirements for the purse seine fishery. ATA believes that NMFS's present action properly links the duration of the three temporary specifications to Commission decisions, which have reflected and will reflect the realities facing the U.S. purse seine fishery for observer coverage issues. ATA greatly appreciates NMFS's effort here. That said, ATA requests that NMFS provide some additional clarification. ATA states that the interim final rule is silent on the forward-looking relationship between the purse seine fishery and NMFS's observer-waiver rule (85 FR 17285; March 27, 2020) and the extension of that rule (86 FR 16307; March 29, 2021). ATA understands that NMFS now has two independent sources of authority by which to waive observer requirements for the U.S. purse seine fishery—the observer-waiver rule (applicable to multiple fisheries) issued under the emergency authority of 16 U.S.C. 1855(c), and the interim final rule (applicable to the U.S. purse seine fishery) issued pursuant to the WCPFC Implementation Act. Based on this, ATA also understands that its members may presently have two current sources of authorization for the waiver of observer requirements. It would be helpful if NMFS would confirm whether ATA's understanding on these two points is accurate.

Response: As noted by the commenter, NMFS uses the framework process at 50 CFR 300.228 to implement short-notice WCPFC decisions regarding the waiver of U.S. purse seine observer coverage requirements in response to the COVID–19 pandemic. The NMFS observer-waiver rule referenced by the commenter was effective only until March 26, 2022 (see 86 FR 16307).

No changes from the interim final rule have been made in this final rule.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this final rule is consistent with the WCPFC Implementation Act and other applicable laws.

Executive Order 12866

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

Regulatory Flexibility Act

As stated in the interim final rule, because prior notice and opportunity for public comment were not required for the interim final rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable. Therefore, no regulatory flexibility analysis was required and none has been prepared. Prior notice and opportunity for public comment were not required because there was good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule and temporary measures. Prior notice and the opportunity for public comment would have been contrary to the public interest. When the interim final rule was issued, three short-notice WCPFC decisions needing immediate implementation had already gone into effect and NMFS was implementing those three decisions through the framework process established under the interim final rule. In addition, NMFS believed it was likely that the WCPFC would agree upon additional short-notice decisions, which address relevant global or regional health, safety, and security concerns, as well as other international emergencies and crises, in the near future. The process established under the interim final rule provided NMFS with the ability to carry out the obligations of the United States under the Convention, including promptly implementing the short-notice decisions of the Commission. NMFS stated that it would consider and respond to public comments received on the interim final rule, which it has done here.

For the reasons articulated above, NMFS also found good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective dates for the interim final rule and the temporary measures.

Paperwork Reduction Act

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

Accordingly, this final rule affirms (without change) the regulatory text of the interim final rule that amended 50

CFR part 300 and that was published at 86 FR 31178 on June 11, 2021.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: June 1, 2022.

Samuel D. Rauch, III,

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

[FR Doc. 2022–12114 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220527–0125]

RIN 0648–BL24

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Extension of Period To Implement Decisions of the Western and Central Pacific Fisheries Commission Related to the COVID–19 Pandemic

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

ACTION: Interim final rule; temporary specifications; request for comments.

SUMMARY: In response to the ongoing COVID–19 pandemic, this interim final rule extends the time period that temporary specifications issued to implement certain short-notice decisions of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC) may remain in effect. This action also extends temporary specifications to implement two short-notice WCPFC decisions. NMFS is undertaking this action under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to satisfy the obligations of the United States as a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). NMFS seeks comments on this interim final rule and will respond to those comments in a subsequent final rule.

DATES: This interim final rule is effective on June 7, 2022. Temporary specifications are effective on June 7, 2022 until July 15, 2022. Comments on the interim final rule must be submitted in writing by July 7, 2022.

ADDRESSES: You may submit comments on the interim final rule, identified by NOAA–NMFS–2022–0052, and the regulatory impact review (RIR) prepared for the interim final rule, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0052 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, might 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 and 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).

Copies of the RIR are available at *www.regulations.gov* or may be obtained from Michael D. Tosatto, Regional Administrator, NMFS PIRO (see address above).

FOR FURTHER INFORMATION CONTACT: Rini Ghosh, NMFS PIRO, 808–725–5033.

SUPPLEMENTARY INFORMATION:

Background on the Convention

The Convention is concerned with the conservation and management of highly migratory fish stocks (HMS) and the management of fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the western and central Pacific Ocean (WCPO). To accomplish this objective, the Convention established the Commission, which includes Members, Cooperating Non-members, and Participating Territories (collectively referred to here as ''members''). The United States of America is a Member. American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands are Participating Territories.

As a Contracting Party to the Convention and a Member of the Commission, the United States implements, as appropriate, conservation and management measures adopted by the Commission and other decisions of the Commission. The WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the Commission. The WCPFC Implementation Act further provides that the Secretary of Commerce shall ensure consistency, to the extent practicable, of fishery management programs administered under the WCPFC Implementation Act and the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 *et seq.*), as well as other specific laws (see 16 U.S.C. 6905(b)). The Secretary of Commerce has delegated the authority to promulgate regulations under the WCPFC Implementation Act to NMFS. A map showing the boundaries of the area of application of the Convention (Convention Area), which comprises the majority of the WCPO, can be found on the WCPFC website at: *www.wcpfc.int/doc/convention-area-map.*

Background on WCPFC Decisions in Response to the COVID–19 Pandemic

On April 8, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID–19, the Commission made an intersessional decision to suspend the requirements for observer coverage on purse seine vessels on fishing trips in the Convention Area through May 31, 2020. The Commission subsequently extended that decision several times, and the current extension is effective until June 15, 2022.

On April 20, 2020, in response to the international concerns over the health of vessel crews and port officials due to COVID–19, the Commission made an intersessional decision to modify the at-sea transshipment prohibition for purse seine vessels as follows—purse seine vessels can conduct at-sea transshipment in an area under the jurisdiction of a port State, if transshipment in port cannot be conducted, in accordance with the domestic laws and regulations of the port State. The Commission subsequently extended that decision

several times but decided not to extend that decision past March 15, 2022.

On May 13, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID–19, the Commission made an intersessional decision to suspend the requirements for observer coverage for at-sea transshipments. The Commission subsequently extended that decision and the current extension is effective until June 15, 2022.

Background on NMFS's Regulations

NMFS regulations at 50 CFR 300.223(e) implement a WCPFC requirement for 100 percent WCPFC observer [1] coverage on purse seine vessels (with limited exceptions).

NMFS regulations at 50 CFR 300.216(b)(1) implement the WCPFC prohibition on at-sea transshipments for purse seine vessels.

NMFS regulations at 50 CFR 300.215(d) and 50 CFR 300.216(b)(2) implement WCPFC provisions regarding observer coverage for at-sea transshipments.

NMFS published an interim final rule on June 11, 2021, to establish a framework to implement short-notice decisions of the Commission (86 FR 31178; June 11, 2021) through temporary specifications. Under the framework, any temporary specification, including all extensions, may remain in effect for less than one year. Simultaneously, NMFS published temporary specifications to waive the regulations for WCPFC purse seine observer coverage, prohibitions on at-sea transshipment for purse seine vessels, and at-sea transshipment observer coverage. NMFS extended the duration of the temporary specifications and, based on the most recent WCPFC decision, the two temporary specifications on purse seine observer coverage and at-sea transshipment observers are currently in effect until June 10, 2022 (87 FR 21812; April 13, 2022). As described above, under the existing regulations at 50 CFR 300.228, the temporary specifications can only remain in effect for less than one year (*i.e.,* until June 10, 2022).

Based on the recent WCPFC intersessional decision and ongoing COVID–19 conditions worldwide, the temporary specifications to waive the regulations for WCPFC observer coverage and at-sea transshipment observer coverage must remain in effect after June 10, 2022. Thus, in this interim final rule, NMFS is extending the time period in which COVID–19 related temporary specifications may be effective from less than one year to no later than December 31, 2023, after which date the effective period will revert back to less than one year.

The Actions

Interim Final Rule: Extension of Time Period To Implement Decisions of the Western and Central Pacific Fisheries Commission Related to the COVID–19 Pandemic

This interim final rule extends the time period in which COVID–19 related temporary specifications may be effective from less than one year to no later than December 31, 2023, after which date the effective period will revert back to less than one year. Other temporary specifications issued under the framework will continue to be limited to less than one year in duration, and all temporary specifications issued under the framework will be limited to less than one year in duration after December 31, 2023.

Temporary Specifications: Implementation of Recent WCPFC Decisions That Need Immediate Implementation

NMFS is using the framework as set forth at 50 CFR 300.228 and as modified in this interim final rule, to extend the effective date of the temporary specifications implementing the two WCPFC intersessional decisions (WCPFC decision dated April 8, 2020, on purse seine observer coverage; WCPFC decision dated May 13, 2020, on at-sea transshipment observers), described above, that are in effect until June 15, 2022. The regulations to implement short-notice WCPFC decisions at 50 CFR 300.228 provide that temporary specifications to implement such short-notice decisions will remain in effect no longer than 30 days after the expiration of the underlying Commission decision.

Accordingly, the requirements of the following regulations are waived. Such waiver shall remain in effect until July 15, 2022, unless NMFS earlier rescinds or extends this waiver by publication in the **Federal Register** under the procedures set forth at 50 CFR 300.228(b) and (c):

- 50 CFR 300.223(e)(1). During the term of this waiver, U.S. purse seine vessels are not required to carry WCPFC observers on all fishing trips in the Convention Area. However, the regulations at 50 CFR 300.215(c)(1) that require all vessels with WCPFC Area Endorsements or for which WCPFC Area Endorsements are required to carry WCPFC observers when directed by NMFS remain in effect;
- 50 CFR 300.216(b)(2) and 50 CFR 300.215(d). During the term of this waiver, owners and operators of U.S. commercial fishing vessels fishing for highly migratory species in the Convention Area are not prohibited from at-sea transshipment without a WCPFC observer on board the offloading or receiving vessel.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this interim final rule is consistent with the WCPFC Implementation Act and other applicable laws.

Administrative Procedure Act

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule and temporary measures included in this action, because prior notice and the opportunity for public comment would be contrary to the public interest. As stated above, two short-notice WCPFC decisions needing immediate extension have already gone into effect and NMFS is extending those two decisions through the framework process established at 50 CFR 300.228 as modified under this interim final rule. The most recent WCPFC decision extends the short-notice decisions until June 15, 2022, but NMFS has only been able to implement them via temporary specification until June 10, 2022, due to the less than one year duration of temporary specifications issued under the current provisions of 50 CFR 300.228. The extension established under this interim final rule would provide NMFS with the ability to carry out the obligations of the United States under the Convention, including promptly extending the short-notice WCPFC decisions that address the COVID–19 pandemic. This interim final rule must enter into effect prior to June 10, 2022, in order for the United States to implement the current WCPFC decision, and thus prior notice and opportunity for public comment is not feasible given the short time frame available for the United States to implement the current WCPFC decision. NMFS will, however, consider and respond to public comments received on the interim final rule and will

[1] A WCPFC Observer means a person authorized by the Commission in accordance with any procedures established by the Commission to undertake vessel observer duties as part of the Commission's Regional Observer Programme, including an observer deployed as part of a NMFS-administered observer program or as part of another national or sub-regional observer program, provided that such program is authorized by the Commission to be part of the Commission's Regional Observer Programme. See 50 CFR 300.211.

accordingly make any revisions should NMFS find that any are prudent or necessary.

For the reasons articulated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective dates for the interim final rule and the temporary measures.

Executive Order 12866

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

Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for the interim final rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable. Therefore, no regulatory flexibility analysis was required and none has been prepared.

Paperwork Reduction Act

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

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: May 31, 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 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart O—Western and Central Pacific Fisheries for Highly Migratory Species

■ 1. The authority citation for 50 CFR part 300, subpart O, continues to read as follows:

Authority: 16 U.S.C. 6901 *et seq.*

■ 2. In § 300.228, add paragraph (e) to read as follows:

§ 300.228 Framework to implement emergency decisions.

* * * * *

(e) *Covid-19-related actions.* Notwithstanding paragraph (a) of this section, a temporary specification to modify or suspend regulations related to the COVID–19 pandemic may be continued, as appropriate, until December 31, 2023, after which time such temporary specifications shall be effective for a period of less than one year.

[FR Doc. 2022–12115 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 109
Tuesday, June 7, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0600; Project Identifier AD–2021–01160–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bell Textron Inc. (type certificate previously held by Bell Helicopter Textron Inc.), Model 204B, 205A, 205A–1, 205B, and 210 helicopters. This proposed AD was prompted by events involving failure of the tail boom attachment structure. This proposed AD would require revising the existing Rotorcraft Flight Manual (RFM) for your helicopter and repetitive inspections of structural components that attach the tail boom to the fuselage. Depending on the results of the inspections, this proposed AD would require removing certain parts from service or re-bonding the structure. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 22, 2022.

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

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

For service information identified in this NPRM, contact Bell Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.*

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0600; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Ameet Shrotriya, Aviation Safety Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177–1524; phone: (817) 222–5525; email: *Ameet.Shrotriya@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0600; Project Identifier AD–2021–01160–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Ameet Shrotriya, Aviation Safety Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177–1524; phone: (817) 222–5525; email: *Ameet.Shrotriya@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–15–14, Amendment 39–21661 (86 FR 39942, July 26, 2021) (AD 2021–15–14), for various restricted category helicopters. AD 2021–15–14 was prompted by an accident involving a Model UH–1B helicopter and two forced landings involving Model UH–1H and UH–1F helicopters, due to tail boom attachment structure failures. Each of the three events involved a failure of the upper left-hand (LH) tail boom attachment fitting, which is the most heavily loaded of the four tail boom attach points. AD 2021–15–14 requires revising the existing RFM for your helicopter to incorporate pre- flight checks; removing paint and sealant, and cleaning; repetitive inspections of structural components that attach the tail boom to the fuselage; and depending on the outcome of the inspections, repairing or replacing components, or re-bonding the structure. The FAA issued AD 2021–15–14 to address fatigue cracking of tail boom attachment fittings, cap angles, longerons, and bolts. Due to their similarity to the Model UH–1B, UH–1H, and UH–1F helicopters, the FAA has

determined that Bell Textron Inc., Model 204B, 205A, 205A–1, 205B, and 210 helicopters are affected by the same unsafe condition. Therefore, the FAA proposes to adopt a new AD for Bell Textron Inc., Model 204B, 205A, 205A–1, 205B, and 210 helicopters. This proposed AD would require revising the existing RFM for your helicopter to incorporate pre-flight checks; removing paint and sealant, and cleaning; repetitive inspections of structural components that attach the tail boom to the fuselage; and depending on the outcome of the inspections, repairing or replacing components, or re-bonding the structure.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information

The FAA reviewed Bell Helicopter Maintenance & Overhaul Instructions BHT–204B–M&O, Revision 13, dated November 10, 2021 and Bell Helicopter Maintenance Manual BHT–205A1–MM–1, Revision 11, dated June 8, 2020. This service information specifies procedures for inspecting the tail boom assembly.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing RFM for your helicopter to add before each flight and before the first flight of the day pre-flight checks of the tail boom attachment. Incorporating the RFM revision may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with the proposed AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417 or 135.439. This is an exception to the FAA's standard maintenance regulations.

This proposed AD would also require removing excess paint and sealant from, and cleaning, certain tail boom attachment structures; repetitive inspections for scratches, nicks, gouges, tears, corrosion, cracks, bond separation, loose, missing, and smoking rivets, buckling, distortion, number of attachment bolt exposed threads, and attachment bolt movement. This proposed AD would then require repairing any scratches, nicks, gouges, tears, and corrosion within allowable limits or would require removing from service components with scratches, nicks, gouges, tears, and corrosion that exceed allowable limits, removing from service components with any cracks, buckling, or distortion, and removing from service and replacing loose, missing, or smoking rivets.

Finally, this proposed AD would require re-bonding any structure with dis-bonds, and removing loose bolts and self-locking nuts from service, and replacing them with new bolts and new self-locking nuts. After the first flight following any bolt replacement, retorquing any replaced bolt would be required.

Costs of Compliance

The FAA estimates that this proposed AD would affect 57 helicopters of U.S. registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Revising the RFM for your helicopter would take about 0.5 work-hour, for an estimated cost of $43 per helicopter and $2,451 for the U.S. fleet.

Removing excess paint and sealant, and cleaning all eight tail boom attachment fittings would take about 5 work-hours and a nominal materials cost, for an estimated cost of $425 per helicopter per instance and $24,225 for the U.S. fleet per instance.

Inspecting the tail boom structural components and attached hardware would take about 16 work-hours for an estimated cost of $1,360 per helicopter and $77,520 for the U.S. fleet per inspection cycle.

Replacing a tail boom attachment fitting would take about 33 work-hours and parts would cost about $1,500 for an estimated cost of $4,305 per helicopter.

Replacing a tail boom longeron bond assembly would take about 42 work-hours and parts would cost up to about $21,270 for an estimated cost of up to $24,840 per helicopter.

Replacing a fuselage attachment fitting would take about 45 work-hours and parts would cost about $1,838 for an estimated cost of $5,663 per helicopter.

Replacing a fuselage cap angle would take about 42 work-hours and parts would cost about $1,827 for an estimated cost of $5,397 per helicopter.

Replacing an attachment bolt and self-locking nut would take about 1 work-hour and parts would cost about $313 for an estimated cost of $398 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.): Docket No. FAA–2022–

0600; Project Identifier AD–2021–01160–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 22, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Inc. (type certificate previously held by Bell Helicopter Textron Inc.) Model 204B, 205A, 205A–1, 205B, and 210 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) 5302, Rotorcraft Tail Boom.

(e) Unsafe Condition

This AD was prompted by an accident and incidents involving failure of the tail boom attachment structure. The FAA is issuing this AD to address fatigue cracking of tail boom attachment fittings, cap angles, longerons, and bolts. The unsafe condition, if not addressed, could result in separation of the tail boom from the helicopter and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight, revise the limitations section of the existing Rotorcraft Flight Manual (RFM) for your helicopter by adding the information in Figure 1 to paragraph (g)(1) of this AD or by inserting a copy of this AD. The action required by this paragraph may be done by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD by following 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417or 135.439.

BILLING CODE 4910–13–P

PRE-FLIGHT TAIL BOOM ATTACHMENT CHECK

(1) Before each flight, use two hands to push on the tail boom at the third vertical rivet line aft of the trailing edge of the elevator to check for looseness of the tail boom. Gradually apply and relieve pressure using body weight a minimum of three times in each of the following directions: inboard pushing from the left; inboard pushing from the right; and upward pushing from the bottom. If there is any looseness, further flight is prohibited until looseness is repaired and the helicopter is approved for return to service.

Note 1 to paragraph (1) of this check: This check is not required if the tail boom cannot be reached from ground level.

(2) Before the first flight of each day: with the oil cooler/baggage compartment door on the right hand side of the helicopter open to gain access to the interior of the tail boom, and with an additional person applying and relieving pressure as detailed in paragraph (1) of this check and using a flashlight, first, check for upper left hand attach bolt movement by observing the torque stripe if present and attempting to rotate the bolt by hand, and second, check the upper left hand tail boom attach structure for any loose and missing rivets, and any cracks in the following areas: on the fuselage side, check the fitting and the cap angle running forward from the fitting for any cracks, paying particular attention to the fitting section near the rivets closest to the attach bolt and the cap angle rivets next to the fitting; and on the tail boom side, check the fitting and the longeron running aft from the fitting for any cracks, paying particular attention to the fitting section near the rivets closest to the attach bolt. If the attach bolt torque stripe is no longer aligned or the bolt rotates by hand, further flight is prohibited until the attach bolt and self-locking nut are removed from service, replaced with a new bolt and new self-locking nut, and the helicopter is approved for return to service. If there are any loose or missing rivets, or cracks, further flight is prohibited until loose and missing rivets, and cracked components are removed from service and the helicopter is approved for return to service.

Note 2 to paragraph (2) of this check: It is not required to push on the tail boom if it cannot be reached from ground level while checking for attach bolt movement, loose and missing rivets, and cracks.

Figure 1 to Paragraph (g)(1)

BILLING CODE 4910–13–C

(2) Within 25 hours time-in-service (TIS):

(i) Open the oil cooler/baggage compartment door on the right hand side of the helicopter to gain access to the interior of the tail boom.

(ii) Remove paint and stray sealant and clean the eight attach fittings (four on the tail boom side and four on the fuselage side). Remove paint and stray sealant and clean the four cap angles, forward of the fuselage fittings, for at least 12 inches from the end of the fittings. Remove paint and stray sealant and clean the four longerons, aft of the tail

boom fittings, for at least 12 inches from the end of the fittings. It is only necessary to remove the topcoat. Primer may be left in place and edge and fillet sealant may be left in place. If any primer or edge or fillet sealant is removed, before further flight, reapply the removed primer and sealant.

Note 1 to paragraph (g)(2)(ii): On some models, the baggage compartment floor and net must be removed to gain access to the lower fuselage attach fittings and cap angles.

(iii) With an additional person pushing on the tail boom at the third vertical rivet line aft of the trailing edge of the elevator with both hands and gradually applying and relieving pressure using body weight a minimum of three times in each of the following directions: Inboard pushing from the left; inboard pushing from the right; and upward pushing from the bottom; and using a bright light and borescope, inspect each of the four tail boom attach structures for cracks, bond separation, and loose rivets. On the fuselage side, inspect the fittings and the cap angles running forward from the fittings, paying particular attention to the fitting sections near the rivets closest to the attach bolts and the cap angle rivets next to the fittings. On the tail boom side, inspect the fittings and the longerons running aft from the fittings, paying particular attention to the fitting sections near the rivets closest to the attach bolts. Without pushing on the tail boom, and using a bright light and borescope, inspect each of the four tail boom attach structures for scratches, nicks, gouges, tears, corrosion, buckling, and distortion, and for loose, missing, and smoking rivets. If there are any scratches, nicks, gouges, tears, or corrosion within allowable limits, before further flight, repair the affected components. If there are any scratches, nicks, gouges, tears, or corrosion that exceed allowable limits, or any cracks, buckling, or distortion, or loose, missing, or smoking rivets, before further flight, remove the affected components from service. If there is any bond separation, before further flight, re-bond the affected components.

Note 2 to paragraph (g)(2)(iii): It is not required to push on the tail boom if it cannot be reached from ground level while inspecting for cracks, bond separation, and loose rivets.

(iv) Inspect the tail boom attach bolts for exposed threads. If there is less than one full thread or more than three threads exposed, before further flight, remove the bolt and self-locking nut from service and replace with a new bolt and new self-locking nut.

(v) Inspect each of the four tail boom attach bolts for movement by either applying the required installation torque in the tightening direction only, or by inspecting for torque stripe misalignment if present and attempting to rotate the bolt by hand. If a bolt is under-torqued, a torque stripe is misaligned, or a bolt moves, before further flight, remove the bolt and self-locking nut from service and replace with a new bolt and new self-locking nut.

(vi) After the first flight following any bolt replacement as required by paragraph (g)(2)(iv) or (v) of this AD, retorque any replaced bolt by applying torque in accordance with the existing maintenance instructions for your helicopter in the tightening direction only and then apply a torque stripe on the bolt head.

(3) Within 25 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 25 hours TIS, perform the actions required by paragraphs (g)(2)(ii) through (vi) of this AD at the upper left-hand tail boom attach points.

(4) Within 25 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 100 hours TIS, perform the actions required by paragraphs (g)(2)(ii) through (vi) of this AD at all four tail boom attach points.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, Compliance & Airworthiness Division, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i) of this AD. You may email your request to: *9-ASW-190-COS@faa.gov@faa.gov.*

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

(i) Related Information

For more information about this AD, contact Ameet Shrotriya, Aviation Safety Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177–1524; phone: (817) 222–5525; email: *Ameet.Shrotriya@faa.gov.*

Issued on May 31, 2022.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–12100 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0602; Project Identifier MCAI–2020–01211–A]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2002–14–28, which applies to all de Havilland Inc. (type certificate currently held by Viking Air Limited) Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. AD 2002–14–28 establishes a life limit for the front fuselage struts and requires repetitively replacing the front fuselage struts every 15 years or repetitively inspecting the struts for corrosion or fatigue damage and replacing when the damage exceeds a certain level. Since the FAA issued AD 2002–14–28, Transport Canada superseded its mandatory continuing airworthiness information (MCAI) to correct this unsafe condition on these products. This proposed AD would require either doing recurring visual inspections, borescope inspections, and non-destructive inspections (NDIs) of the struts and airframe lugs with corrective action as necessary or replacing the struts every 15 years and doing recurring NDIs of the airframe lugs with corrective action as necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 22, 2022.

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

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

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

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by

searching for and locating Docket No. FAA–2022–0602; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7329; email: *aziz.ahmed@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0602; Project Identifier MCAI–2020–01211–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA issued AD 2002–14–28, Amendment 39–12828 (67 FR 47684, July 22, 2002) (AD 2002–14–28), for all de Havilland Inc. (type certificate currently held by Viking Air Limited) Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. AD 2002–14–28 establishes a life limit for the front fuselage struts and requires repetitively replacing the front fuselage struts every 15 years or repetitively inspecting the struts for corrosion or fatigue damage and replacing when the damage exceeds a certain level. The FAA issued AD 2002–14–28 to prevent structural failure of the front fuselage caused by corrosion or fatigue damage to the struts that develops over time, which could result in reduced or loss of airplane control.

Actions Since AD 2002–14–28 Was Issued

Since the FAA issued AD 2002–14–28, the type certificate holder for Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes changed from de Havilland Inc. to Viking Air Limited.

Transport Canada, which is the aviation authority for Canada, superseded its prior AD on this unsafe condition, AD CF–98–37R1, dated August 20, 1999, and issued AD CF–2020–22, dated June 5, 2020 (referred to after this as ''the MCAI''), to introduce a revised inspection schedule for the front fuselage struts from previously published schedules to alleviate the burden of mandatory replacement every 15 years or ultrasonic inspections every 5 years. The MCAI states:

> Operators have reported incidents of corrosion of the DHC–2 front fuselage struts which are installed on each side of the flight compartment windshield. Deterioration of the airframe lugs to which the struts are attached has also been reported. The actions specified by this [Transport Canada] AD are intended to prevent structural failure of the front fuselage caused by damage to the fuselage struts and airframe lugs that develops over time, which could result in the loss of airframe structural integrity.
>
> AD CF–98–37 issued 29 September 1998 mandated a 15-year life limit on the strut. It also prohibited installation of part numbers (P/Ns) C2FS209 and C2FS210.
>
> Revision 1, CF–98–37R1, introduced repetitive inspection as an alternative to replacement of the strut. Detailed visual inspection was required to begin within 12 months from the effective date of the [Transport Canada] AD and be repeated every 12 months regardless of the age of the strut. Ultrasonic thickness measurements were required to begin within 24 months from the effective date of the [Transport Canada] AD and be repeated every 5 years regardless of the age of the strut.
>
> After AD CF–98–37R1 was issued, it was determined that the repetitive inspections are not required to be started until the strut has accumulated 15 years since installation. As a result, Transport Canada (TC) approved several AMOCs [alternative methods of compliance] to authorize starting the inspections at that time.
>
> Since the issuance of AD CF–98–37R1, TC has received several Service Difficulty Reports (SDRs) indicating that the corrective actions of that [Transport Canada] AD have not been effective at controlling damage of the fuselage struts to an acceptable level.
>
> Viking Air Ltd. (Viking) has determined that a modified program of recurring visual inspection, borescope inspection and non-destructive inspection (NDI) of the struts and airframe lugs would be more effective than the existing inspection program. This program modifies affected parts by introducing a hole to permit a borescope inspection if that hole does not already exist in the parts.
>
> To implement the modified inspection program, Viking has published Service Bulletin (SB) V2/0010 and Technical Bulletin (TB) V2/00002 that provide specific instructions for performing the modification, inspections and measurements required by this [Transport Canada] AD. The SB and TB also define the follow-on actions associated with those inspections and measurements.
>
> Viking has also developed a version of the front fuselage strut with improved resistance to corrosion and with provisions for borescope inspection. The improved struts have been assigned P/Ns C2FS3281A–9 (left strut) and C2FS3282A–9 (right strut).
>
> The corrective actions of this [Transport Canada] AD differ from those of AD CF–98–37R1 in the following ways:
>
> • AD CF–98–37R1 included the details for all of the corrective actions, it did not require reference to other documents. For this [Transport Canada] AD, the details of the corrective actions are now specified in a SB and a TB.
>
> • AD CF–98–37R1 required repetitive detailed visual inspection (DVI) of the airframe lugs. This [Transport Canada] AD requires repetitive DVI and NDI of the airframe lugs.
>
> • AD CF–98–37R1 only permitted installation of P/Ns C2FS3281A and C2FS3282A. This [Transport Canada] AD permits installation of those parts, the superseding Viking P/Ns, parts installed by TC-issued or -accepted Supplemental Type Certificate (STC) or Part Manufacturing Approval (PMA) and Part Design Approval (PDA) parts that are approved for installation in DHC–2 as replacements for P/Ns C2FS3281A and C2FS3282A. Those are all approved parts.
>
> • AD CF–98–37R1 did not specify to remove parts from the aeroplane to perform inspections. This [Transport Canada] AD requires repetitive removal of the struts from the aeroplane followed by a NDI of the airframe lugs. This requirement applies to

DHC–2 where the struts are being replaced when they reach 15 years since installation. It also applies to DHC–2 where the struts are kept in service and inspected as required by the SB and TB.

- AD CF–98–37R1 required the visual inspection to start within 12 months from the [Transport Canada] AD effective date and the NDI to start within 24 months from the [Transport Canada] AD effective date. This [Transport Canada] AD requires the repetitive inspections to start no later than when the struts have accumulated 15 years since initial installation.
- AD CF–98–37R1 required repetitive ultrasonic thickness measurement for all parts. This [Transport Canada] AD only requires that measurement if corrosion is detected during an inspection.
- AD CF–98–37R1 required visual inspection of the exterior surfaces of the strut with the strut installed in the aeroplane. For struts that have accumulated more than 15 years since first installation, this [Transport Canada] AD continues to require visual inspection of the accessible exterior surfaces of the strut with the strut installed. This [Transport Canada] AD also includes repetitive requirements for:
  - Inspection of the fillet sealant;
  - Borescope inspection of the interior of the strut; and
  - Removal of the strut from the aeroplane followed by visual inspection of the entire strut and NDI of the strut end fittings.

All TC-issued or -accepted AMOCs with AD CF–98–37R1 are cancelled on the effective date of this [Transport Canada] AD. Parts in service must be replaced or modified, inspected and maintained in accordance with the requirements of this [Transport Canada] AD unless TC approves AMOCs [alternative methods of compliance] with the requirements of this [Transport Canada] AD.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0602.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Viking DHC–2 Beaver Technical Bulletin No. V2/00002, Revision 'A,' dated June 20, 2019. The service information specifies procedures for a detailed visual, borescope, and non-destructive testing inspection of the front fuselage struts and airframe lugs.

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

Other Related Service Information

The FAA reviewed Viking DHC–2 Beaver Service Bulletin No. V2/0010, Revision 'NC,' dated April 3, 2020. The service information contains a detailed and revised schedule for a detailed visual inspection of the forward-lower and aft-upper strut attachment points on the fuselage (mating airframe lugs) every 12 months, borescope inspection of the strut interior surfaces every 5 years, non-destructive testing (NDT) inspection of the fuselage strut fork ends and lugs every 15 years, replacement of each fuselage strut every 15 years, and replacement of the 5-year ultrasonic thickness measurement as an option to the 15-year life limit.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously. This proposed AD does not retain any of the requirements from AD 2002–14–28.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 143 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Visual, borescope, and NDT inspections of the front fuselage struts and airframe lugs.	80 work-hours × $85 per hour = $6,800 per inspection cycle.	Not applicable	$6,800 per inspection cycle	$972,400 per inspection cycle.
Detailed visual inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	Not applicable	$340 per inspection cycle	$48,620 per inspection cycle.
Borescope and detailed visual inspection	6 work-hours × $85 per hour = $510 per inspection cycle.	Not applicable	$510 per inspection cycle	$72,930 per inspection cycle.
Replace left-hand fuselage strut	54 work-hours × $85 per hour = $4,590.	$2,331.40	$6,921.40	$989,760.20.
Replace right-hand fuselage strut	54 work-hours × $85 per hour = $4,590.	$2,331.40	$6,921.40	$989,760.20.

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order

13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2002–14–28, Amendment 39–12828 (67 FR 47684, July 22, 2002); and

■ b. Adding the following new airworthiness directive:

Viking Air Limited (type certificate previously held by Bombardier Inc. and de Havilland Inc.): Docket No. FAA–2022–0602; Project Identifier MCAI–2020–01211–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 22, 2022.

(b) Affected ADs

This AD replaces AD 2002–14–28, Amendment 39–12828 (67 FR 47684, July 22, 2002) (AD–2002–14–28).

(c) Applicability

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

(d) Subject

Joint Aircraft System Component (JASC) Code 5300, Fuselage Structure (General).

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as the development of damage to the front fuselage struts and airframe lugs over time. The FAA is issuing this AD to address this condition. The unsafe condition, if not addressed, could result in failure of the front fuselage struts, which could lead to failure of the airframe and loss of airplane control.

(f) Definition of Serviceable Part

For purposes of this AD, a ''serviceable part'' is a front fuselage strut that has a part number (P/N) other than P/N C2FS209 and C2FS210 and meets the conditions in either paragraph (f)(1) or (2) of this AD:

(1) Has accumulated less than 15 years since first installation on an airplane; or

(2) Has accumulated 15 or more years since first installation on an airplane and has been inspected in accordance with the requirements of this AD.

(g) Compliance

Comply with the initial actions in paragraph (h) of this AD at the applicable compliance time in paragraph (g)(1), (2), or (3) of this AD, unless already done.

(1) For airplanes with a front fuselage strut that has been installed for less than 15 years as of the effective date of this AD: Before each front fuselage strut accumulates 15 years since first installation on an airplane.

(2) For airplanes with a front fuselage strut that has been installed for more than 15 years as of the effective date of this AD or with a front fuselage strut where the date of first installation on an airplane is unknown and the ultrasonic inspection required by paragraph (d)(2) of AD 2002–14–28 has not been done within the last 5 years: Before further flight.

(3) For airplanes with a front fuselage strut that has been installed for more than 15 years as of the effective date of this AD or with a front fuselage strut where the date of first installation on an airplane is unknown and the ultrasonic inspection required by paragraph (d)(2) of AD 2002–14–28 has been done within the last 5 years: Within 5 years from the date of the last ultrasonic inspection done in accordance with paragraph (d)(2) of AD 2002–14–28.

(h) Initial Actions

(1) Do the actions in paragraph (h)(1)(i) or (ii) of this AD.

(i) Remove the front fuselage struts from service and install and seal serviceable parts in accordance with steps w. and y. through ii. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking DHC–2 Beaver Technical Bulletin No. V2/00002, Revision A, dated June 20, 2019 (Viking TB V2/00002); or

(ii) Do visual and borescope inspections of the front fuselage struts and non-destructive testing (NDT) inspections of the fuselage strut fork ends for corrosion and cracks in accordance with steps m. through p. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002, except you are not required to contact the manufacturer. Instead, do the actions in paragraph (h)(3) of this AD.

(2) Do visual and NDT inspections of the mating airframe lug surfaces and bolt holes for corrosion and cracks and replace if necessary in accordance with steps q., r., t., and u. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002, except you are not required to contact the manufacturer.

(3) If, during any inspection required by paragraph (h)(1)(ii) of this AD, any crack or corrosion is found, before further flight, do one of the following:

(i) Remove the part from service and install and seal a serviceable part in accordance with steps w. and y. through ii. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002; or

(ii) If the wall thickness of the part is 0.030 inch or more, repair in accordance with step s(2) of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002; or

(iii) Repair using a method approved by the Manager, New York ACO Branch, FAA; Transport Canada; or Viking Air Limited's Transport Canada Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Repetitive Actions

(1) After completing the actions in paragraphs (h)(1)(ii) and (2) of this AD, unless already done, do the following:

(i) At intervals not to exceed 12 months, except when complying with paragraph (i)(1)(ii) or (2) of this AD, clean and visually inspect the front fuselage struts and airframe lugs for corrosion and cracking in accordance with steps n., p., and q. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002. If there is a crack or any corrosion, before further flight, comply with the actions in paragraph (h)(3)(i), (ii), or (iii) of this AD.

(ii) At intervals not to exceed 5 years, except when complying with paragraph (i)(2) of this AD, do visual and borescope inspections of the front fuselage struts and a visual inspection of the airframe lugs for corrosion and cracking in accordance with steps m. through q. and t. of Section II.B.1. or II.B.2., as applicable to your airplane, of Viking TB V2/00002, except you are not required to contact the manufacturer. If there is a crack or any corrosion, before further flight, comply with the actions in paragraph (h)(3)(i), (ii), or (iii) of this AD.

(2) At intervals not to exceed 15 years, repeat the actions required by paragraph (h) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

the person identified in paragraph (k)(1) of this AD.

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

(k) Related Information

(1) For more information about this AD, contact Aziz Ahmed, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7329; email: *aziz.ahmed@faa.gov.*

(2) Refer to Transport Canada AD CF–2020–22, dated June 5, 2020, for more information. You may examine the Transport Canada AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0602.

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

Issued on June 1, 2022.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–12157 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0244; Airspace Docket No. 20–AWP–9]

RIN 2120–AA66

Proposed Modification of Class D and Class E Airspace and Establishment of Class E Airspace; Camarillo, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace, designated as an extension to a Class D or Class E surface area, at Camarillo Airport, Camarillo, CA. This action also proposes to remove the Camarillo VOR/DME from the airspace's legal description. Additionally, this action proposes to establish Class E airspace extending upward from 700 feet above the surface. Lastly, this action proposes administrative updates to the Class D and Class E legal descriptions. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before July 22, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0244; Airspace Docket No. 20–AWP–9, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would modify the Class D and Class E airspace, and establish new Class E airspace at Camarillo Airport, Camarillo, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0244; Airspace Docket No. 20–AWP–9''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class E airspace, designated as an extension to a Class D or Class E surface area. This airspace area is east of the airport and it should be reduced to properly contain IFR aircraft descending below 1,000 feet above the surface. This action also proposes to remove the Camarillo VOR/DME navigational aid (NAVAID) from the airspace's legal description. The NAVAID is not required to define the airspace and removal of the NAVAID simplifies the airspace's description.

Additionally, this action proposes to establish Class E airspace extending upward from 700 feet above the surface. This airspace is designed to contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until they reach 1,200 feet above the surface.

This action also proposes several administrative updates to the Class D and Class E airspace's legal description. To match the FAA database, the geographic coordinates in the third line of the Class E4 airspace's text header should be updated to lat. ''34°12′50″ N, long. 119°05′40″ W'' Also, since Camarillo Airport's Class D airspace abuts the Class D areas for Point Mugu NAS and Oxnard Airports, the geographic coordinates in Camarillo Airport's Class D should be updated to more accurately define the common borders of the Class D areas, which would not represent a change to the current boundaries. The Class D and Class E4 legal descriptions should be updated to read ''Notice to Air Missions'' in place of ''Notice to Airmen'', to match the FAA's current definition of the acronym ''NOTAM.'' Finally, the term ''Airport/Facility Directory'' in the last sentence of the Class D and Class E4 airspace descriptions is outdated and should be changed to ''Chart Supplement.''

Class D, Class E4, and Class E5 airspace designations are published in paragraphs 5000, 6004, and 6005, respectively, of FAA Order 7400.11F, August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Camarillo, CA [Amended]

Camarillo Airport, CA
(Lat. 34°12′50″ N, long. 119°05′40″ W)

That airspace extending upward from the surface to and including 2,000 feet MSL within a 4.3-mile radius of the Camarillo Airport, excluding that portion south and west of a line beginning at lat. 34°09′18.02″ N, long. 119°02′40.92″ W; to lat. 34°10′34.70″ N, long. 119°04′1.71″ W; to lat. 34°10′22″ N, long. 119°09′27″ W; to lat. 34°15′38.75″ N, long. 119°09′34.88″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AWP CA E4 Camarillo, CA [Amended]

Camarillo Airport, CA
(Lat. 34°12′50″ N, long. 119°05′40″ W)

That airspace extending upward from the surface within 2.5 miles each side of the 079° bearing from the airport, extending from the 4.3-mile radius to 8.2 miles east of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AWP CA E5 Camarillo, CA [New]

Camarillo Airport, CA
(Lat. 34°12′50″ N, long. 119°05′40″ W)

That airspace extending upward from 700 feet above the surface within a 4.8-mile radius of the airport and within 3.1 miles each side of the 079°; bearing from the airport extending from the 4.3-mile radius to 10.8 miles east of the airport, and within 1 mile each side of the 268° bearing from the airport extending from the 4.8-mile radius to 5.3 miles west of the airport.

Issued in Des Moines, Washington, on May 25, 2022.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2022–12102 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0242; Airspace Docket No. 20–AWP–8]

RIN 2120–AA66

Proposed Removal of Class E Airspace and Modification of Class D and Class E Airspace; Point Mugu NAS (Naval Base Ventura Co) Airport, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove the Class E airspace, designated as an extension to a Class D or Class E surface area, at Point Mugu NAS (Naval Base Ventura Co) Airport, Oxnard, CA. This action also proposes to modify the Class E airspace extending upward from 700 feet above the surface. Further, this action proposes to remove the Class E airspace extending upward from 1,200 feet above the surface and the Class E airspace extending upward from 5,000 feet above the surface, both of these areas are contained within the Los Angeles Class E en route airspace and duplication is not necessary. Lastly, this action proposes several administrative updates to the Class D and Class E5 airspaces' legal descriptions. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before July 22, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0242; Airspace Docket No. 20–AWP–8, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would modify the Class D and Class E airspace at Point Mugu NAS (Naval Base Ventura Co) Airport, Oxnard, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0242; Airspace Docket No. 20–AWP–8''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by removing the Class E airspace, designated as an extension to a Class D or Class E surface area, at Point Mugu NAS (Naval Base Ventura Co) Airport, Oxnard, CA. This airspace area is southwest of the airport and is no longer required to contain IFR arrivals descending below 1,000 feet above the surface.

Also, this action proposes to properly size the Class E airspace extending upward from 700 feet above the surface. This airspace is designed to contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until they reach 1,200 feet above the surface. The current area is larger than required and this airspace area should be reduced to a 6.8-mile radius of the airport.

Further, this action proposes to remove the Class E airspace extending upward from 1,200 feet above the surface and the Class E airspace extending upward from 5,000 feet above the surface. The two airspace areas are

wholly contained within the Los Angeles en route airspace area and duplication is not necessary.

Lastly, this action proposes administrative updates to the Class D and Class E5 legal descriptions. To match the FAA database, the city name in the first line of the Class D text header should be updated from ''Point Mugu NAWS'' to ''Oxnard''. To match the FAA database, the airport name in the second line of the Class D and Class E5 text headers should be updated to ''Point Mugu NAS (Naval Air Station Ventura Co) Airport, CA.'' To match the FAA database, the geographic coordinates in the third line of the Class D and Class E5 text headers should be updated to lat. 34°07′09″ N, long. 119°07′11″ W. As the Point Mugu NAS (Naval Air Station Ventura Co) Airport's Class D airspace abuts the Class D areas for Oxnard and Camarillo Airports, the geographic coordinates in Point Mugu NAS (Naval Air Station Ventura Co) Airport's Class D should be updated to more accurately define the common borders of the Class D areas, which would not represent a change to the current boundaries. Finally, the term ''Airport/Facility Directory'' in the last sentence of the Class D airspace description is outdated and should be changed to ''Chart Supplement.''

Class D, Class E4, and Class E5 airspace designations are published in paragraphs 5000, 6004, and 6005, respectively, of FAA Order 7400.11F, August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Oxnard, CA [Amended]

Point Mugu NAS (Naval Air Station Ventura Co) Airport, CA
(Lat. 34°07′09″ N, long. 119°07′11″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.3-mile radius of the Point Mugu NAWS, excluding that portion north and west of a line beginning at lat. 34°09′18.02″ N, long. 119°02′40.92″ W; to lat. 34°10′34.70″ N, long. 119°04′1.71″ W; to lat. 34°10′22″ N, long. 119°09′27″ W; to lat. 34°07′44.53″ N, long. 119°12′18.39″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AWP CA E4 Oxnard, CA [Removed]

Point Mugu NAS, CA
(Lat. 34°07′09″ N, long. 119°07′11″ W)

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

* * * * *

AWP CA E5 Oxnard, CA [Amended]

Point Mugu NAS (Naval Air Station Ventura Co) Airport, CA
(Lat. 34°07′09″ N, long. 119°07′11″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Point Mugu NAS Airport.

Issued in Des Moines, Washington, on May 26, 2022.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2022–12101 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2021–0301]

RIN 1625–AA09

Drawbridge Operation Regulation; Three Mile Creek, Mobile, Alabama

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating schedule that governs the CSX Transportation drawbridge across Three Mile Creek, mile 0.0, Mobile, Mobile County, Alabama. This proposed modification will require the bridge to remain open to navigation for three 75 minute periods each day. We invite your comments on this proposed rulemaking.

DATES: Comments and relate material must reach the Coast Guard on or before August 8, 2022.

ADDRESSES: You may submit comments identified by docket number USCG 2021–0301 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 proposed rule, call or email Doug Blakemore, Eighth Coast Guard District Bridge Branch at (504) 671–2128 or *Douglas.A.Blakemore@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

CSX Transportation has requested to change the operating schedule of their drawbridge across Three Mile Creek, mile 0.0, Mobile, Mobile County, Alabama. This bridge is regulated under 33 CFR 117.5 and opens on signal. It has a vertical clearance of 10' in the closed to vessel position and is unlimited in the open to vessel position. Navigation on this creek consists of tows and barges and small industrial vessels.

On June 1, 2021 at the request of CSX, the Coast Guard issued a temporary deviation to the regulations titled ''Drawbridge Operation Regulation; Three Mile Creek, AL'' (86 FR 29204). There, we stated that the 60-day deviation would test a temporary change to the operating schedule of the CSX drawbridge bridge to determine whether a permanent change is necessary. From June 1 through August 2, 2021 this deviation opened the bridge from 6:30 a.m.–7:30 a.m., 2:30 p.m.–3:30 p.m. and 10:30 p.m.–11:30 p.m. to allow vessels to schedule their trips through Three Mile Creek and opened at all other times on signal. During the comment period that closed on August 3, 2021, eight comments were received.

Two commenters stated that the proposal would put maritime companies at an unfair economic disadvantage in moving commerce compared to rail transportation. Neither commenter provided data or economic information. The decision to change or create a drawbridge regulation rests primarily upon the effect of the proposed change on navigation and a vessels reasonable ability to use the waterway and to assure that the change provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment.

Two commenters stated that the temporary operating schedule would create unsafe navigation conditions. Large vessel queues would be built up waiting for the bridge to open. When the bridge opens these vessels would attempt to pass through the bridge at the same time. During the test deviation the bridge opened about 4 times per day. There were no indications or reports that unsafe navigation conditions were created during the 60 day test period.

One commenter stated that the language used in this temporary regulation change should be changed to remove the term ''if there are no trains on the bridge.'' This phrase has been removed from the proposed rule.

One commenter stated that a commerce clause should be placed in this bridge's regulation to allow free navigation. They cited a U.S. Supreme Court ruling from 1865, ''*Gilman* v. *Philadelphia*.'' This ruling addressed balancing the needs of waterborne and land commerce around bridges. The proposed bridge schedule provides three periods during which the bridge will remain open to navigation and requires that the bridge open on signal at other times throughout the day.

Several commenters stated that opening the bridge for one hour period does not allow maritime companies and vessel operators' adequate time to schedule and complete their transits through Three Mile Creek and pass through the bridge. The Coast Guard has changed the proposed rule to require CSX to keep the bridge opened to vessels for 75 minute periods rather than 60 minutes.

Two commenters stated that they have been losing business because of CSX practices. Another commenter estimated that two companies, over a 1 month period, lost up to $15,000 in one month because of bridge opening delays. This schedule change should allow vessels with sufficient time to schedule their through the bridge. The bridge will be required to open at all other times on signal.

The Coast Guard has concluded that there is sufficient information to change the regulation which will provide vessels with reasonable time to transit through the bridge and will allow CSX to manage their railroad business needs.

III. Discussion of Proposed Rule

This proposed rule change would require CSX to open the bridge three times each day for 75 continuous minutes to allow vessels to transit through the bridge to and from the Mobile River. And it requires CSX to open the bridge on signal at all other times when there are no trains in the block passing over the bridge.

In promulgating drawbridge regulations the Coast Guard must balance the needs of vessels, land transportation and railroads. The public's right to navigation is paramount to rail transportation but it is not absolute. This right may be diminished to benefit land and rail transportation provided that the reasonable needs of navigation are not impaired. CSX has informed the Coast Guard that it cannot physically expand its yard to accommodate building long trains. Vessel operators and facility operators on Three Mile Creek have informed the Coast Guard that their businesses have been and are impacted when CSX stations and passes trains over the bridge and does not open the bridge on signal. This proposed rule change should provide all entities with the ability to use Three Mile Creek and the CSX drawbridge bridge.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge and the bridge will open in case of emergency at any time.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2021–0301 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If 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 will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

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).

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1.

■ 2. In § 117.115 redesignate paragraphs (a) and (b) as paragraphs (b) and (c) and add new paragraph (a) to read as follows:

§ 117.115 Three Mile Creek.

(a) The draw of the CSX railroad bridge, mile 0.0., will operate as follows: each day from 6:30 a.m.–7:45 a.m., 2:30 p.m.–3:45 p.m. and 10:30 p.m.–11:45 p.m. the bridge will remain in the open to navigation position. At all other times the draw will open on signal and remain open to clear all vessel queues. CSX will open the draw anytime at the direction of the District Commander.

* * * * *

Dated: May 31, 2022

R.V. Timme,

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

[FR Doc. 2022–12121 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2022–0371]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AICW) and Miami Beach Channel, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the West 79th Street Bridge crossing the Atlantic Intracoastal Waterway (AICW), mile 1084.6 at Miami, Florida and the operating schedule that governs the East 79th Street Bridge crossing Miami Beach Channel, mile 2.20 at Miami Beach, FL. This action will place the East and West 79th Street Bridges crossing Miami Beach Channel and Atlantic Intracoastal Waterway, Miami, FL on a once an hour opening schedule during peak traffic hours, Monday through Friday, except Federal holidays. This action is intended to reduce vehicular traffic caused by these bridges opening at their current schedule. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must reach the Coast Guard on or before July 22, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0371 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 proposed rule, call or email LTJG Benjamin Adrien, USCG Sector Miami Waterways Division Chief, the Coast Guard; telephone 305–535–4307 email *Benjamin.d.adrien@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The West 79th Street Bridge crossing the AICW, mile 1084.6, at Miami, FL is a double-leaf bascule bridge with a 21 foot vertical clearance (25 feet charted at the center span) at mean high water in the closed position. The normal operating schedule for the bridge is set forth in 33 CFR 117.261 (mm-1). The East 79th Street Bridge crossing the Miami Beach Channel, mile 2.20, at Miami Beach, FL is a double-leaf bascule bridge with a 21 foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is set forth in 33 CFR 117.304. Navigation on the waterways consists of recreational and commercial mariners.

North Bay Village, with the support of the bridge owner Florida Department of Transportation (FDOT), requested the Coast Guard consider allowing the drawbridges to remain closed to navigation during morning and evening rush hour with top of the hour openings provided at pre-determined times. This proposed regulation would reduce vehicle traffic backups without unreasonably restricting vessel traffic by scheduling one opening per hour during peak traffic times, thereby balancing the needs of both modes of transportation.

III. Discussion of Proposed Rule

The proposed rule will allow the drawbridges to only open once an hour during weekday rush hours. Under this proposed rule the drawbridges would operate as follows, Monday through Friday, except Federal Holidays, both drawbridges need only open on the hour between 7 a.m. and 10 a.m. Between 10 a.m. to 4 p.m. the drawbridges need only open on the hour and half hour. From 4 p.m. to 7 p.m. both drawbridges need only open on the hour. From 7 p.m. to 7 a.m. the drawbridges shall open on signal. Saturday, Sunday, and Federal Holidays the drawbridges shall open on signal. Vessels that can pass beneath the bridge without an opening may do so at any time.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact that vessels can still transit the bridge at designated times throughout the day, and vessels that can transit under the bridge without an opening may do so at any time. This proposed rule will further meet the reasonable needs of navigation while taking into consideration the reasonable needs of vehicular traffic.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0371 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If 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 will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

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).

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1.

■ 2. Amend § 117.261 by removing paragraph (mm-1), adding paragraph (mm)(1), and reserving paragraph (mm)(2) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(mm) * * *

(1) West 79th Street Bridge, mile 1084.6, at Miami, Florida. The draw shall operate as follows:

(i) Monday through Friday (except on Federal holidays)

(A) 7 a.m. to 10 a.m. the draw need only open on the hour;

(B) 10 a.m. to 4 p.m. the draw need only open on the hour and half hour;

(C) 4 p.m. to 7 p.m. the draw need only open on the hour;

(D) 7 p.m. to 7 a.m. the draw shall open on signal.

(ii) Saturday, Sunday and Federal holidays the draw shall open on signal.

(2) [Reserved]

* * * * *

■ 3. Revise § 117.304 to read as follows

§ 117.304 Miami Beach Channel.

The draw of the East 79th Street Bridge, mile 2.20, at Miami Beach, Florida. The draw shall operate as follows:

(a) Monday through Friday (except on Federal holidays)

(1) 7 a.m. to 10 a.m. the draw need only open on the hour;

(2) 10 a.m. to 4 p.m. the draw need only open on the hour and half hour;

(3) 4 p.m. to 7 p.m. the draw need only open on the hour;

(4) 7 p.m. to 7 a.m. the draw shall open on signal.

(b) Saturday, Sunday and Federal holidays the draw shall open on signal.

Dated: May 25, 2022.

Brendan C. McPherson,

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

[FR Doc. 2022–11743 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0436]

RIN 1625–AA00

Safety Zone; Fireworks Display, Umatilla Marina, Umatilla, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Umatilla Marina. This action is necessary to provide for the safety of life on these navigable waters near Umatilla, OR, during a fireworks display on June 25th, 2022. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 22, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0436 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Columbia River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On March 07, 2022, Western Display Fireworks, LTD notified the Coast Guard that it will be conducting a fireworks display from 10 to 10:30 p.m. on June 25, 2022. The fireworks are to be launched from a site on land in the Umatilla Marina, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the fireworks would be a safety concern for anyone within a 400-foot radius of the launch site before, during, or after the fireworks display.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 400-foot radius of the fireworks discharge site before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 to 11 p.m. on June 25, 2022. The safety zone would cover all navigable waters within 400 feet of the launch site located at approximately 45°55′37.50″ N, 119°19′47.60″ W in the Umatilla Marina, Oregon. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 to 10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone created by this proposed rule is designed to minimize its impact on navigable waters. The safety zone will impact approximately a 400 foot area of Umatilla Marina and is not anticipated to exceed 1.5 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP. The Coast Guard would issue a Notice to Mariners about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small

entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 1.5 hours that would prohibit entry within 400 feet of a fireworks launch site. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0436 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0436 to read as follows:

§ 165.T13–0436 Safety Zone; Fireworks Display, Umatilla Marina, Umatilla, OR.

(a) *Location.* The following area is a safety zone: All navigable waters within 400 feet of a fireworks launch site in Umatilla, OR. The fireworks launch site will be at the approximate point of 45°55′37.50″ N, 119°19′47.60″ W.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Columbia River (COTP) in the enforcement of the safety zone. *Participant* means all persons and vessels registered with the event sponsor as a participant in the fireworks display.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, all non-participants may not enter the safety zone described in paragraph (a) of this section unless

authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling (503) 209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 09:30 to 11 p.m. on June 25, 2022. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: May 25, 2022.

G.M. Bailey,

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

[FR Doc. 2022–11813 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0373]

RIN 1625–AA00

Safety Zone; Fireworks Display, Yaquina Bay, Newport, OR

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Yaquina Bay. This action is necessary to provide for the safety of life on these navigable waters near Newport, OR, during a fireworks display on July 4, 2022. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 22, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0373 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
COTP Captain of the Port Columbia River

II. Background, Purpose, and Legal Basis

On March 8, 2022, Western Display Fireworks, LTD notified the Coast Guard that it will be conducting a fireworks display from 10 to 10:30 p.m. on July 4, 2022. The fireworks are to be launched from a site on land in the Port of Newport, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the fireworks would be a safety concern for anyone within a 500-foot radius of the launch site before, during, or after the fireworks display.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 500-foot radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 to 11 p.m. on July 4, 2022. The safety zone would cover all navigable waters within 500 feet of the launch site located at approximately 44°37′31″ N, 124°2′5″ W in the port of Newport, Oregon. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 to 10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone created by this proposed rule is designed to minimize its impact on navigable waters. The safety zone will impact approximately a 500 foot area of Yaquina Bay and is not anticipated to exceed 2 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP. The Coast Guard would issue a Notice to Mariners about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental

jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 2 hours that would prohibit entry within 500 feet of a fireworks launch site. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0373 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0373 to read as follows:

§ 165.T13–0373 Safety Zone; Fireworks Display, Yaquina Bay, Newport, OR.

(a) *Location.* The following area is a safety zone: All navigable waters within 500 feet of a fireworks launch site in Newport, OR. The fireworks launch site

will be at the approximate point of 44°37′31.62″ N/124°2′5.42″ W.

(b) *Definitions.* As used in this section—

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

Participant means all persons and vessels registered with the event sponsor as a participant in the fireworks display.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling (503) 209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 9:30 to 11 p.m. on July 4, 2022. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: May 24, 2022.

G.M. Bailey,

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

[FR Doc. 2022–12232 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0333]

RIN 1625–AA87

Security Zone; Lower Mississippi River, Mile Marker 94 to 97 Above Head of Passes, New Orleans, LA

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent security zone for all navigable waters of the Lower Mississippi River (LMR) from mile marker (MM) 94 to MM 97, Above Head of Passes (AHP), New Orleans, LA. This security zone is necessary to expedite the establishment and enforcement of the security zones to protect vessels, waterfront facilities, the public, and other surrounding areas from destruction, loss, or injury caused by sabotage, subversive acts, accidents, or other actions of a similar nature. This proposed rulemaking would prohibit entry of vessels or persons from entering the security zone unless specifically authorized by the Captain of the Port Sector New Orleans (COTP) or a designated representative. This proposed security zone would be enforced only as necessary by the COTP through a notification of enforcement published in the **Federal Register** and announced through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 7, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0333 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander William A. Stewart, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2246, email *William.A.Stewart@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AHP Above Head of Passes
CFR Code of Federal Regulations
COTP Captain of the Port New Orleans
DHS Department of Homeland Security
FR Federal Register
LMR Lower Mississippi River
MM Mile Marker
NPRM Notice of proposed rulemaking
NOE Notice of Enforcement
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

During the preceding several years, the COTP has published multiple temporary final rules (TFRs) to implement heightened security measures to protect waterfront facilities, visiting dignitaries, large volumes of festival participants, and/or vessels from destruction, loss, or injury from sabotage, subversive acts, or other malicious or potential terrorist acts within the LMR from MM 94 to MM 97, AHP, New Orleans, LA. The COTP expects that events requiring heightened protection will increase as New Orleans continues to hold popular annual events, like Mardi Gras and French Quarter Fest, as well as remains a top destination for events of national significance, such as sporting events and Navy Fleet Week.

The COTP proposes to establish a permanent security zone for all navigable waters of the LMR from MM 94 to MM 97, AHP, New Orleans, LA, and, thus, expedite the establishment and enforcement of the security zones. The enforcement of security zones within this area of the LMR is usually limited in duration, lasting a few hours to a few days for each waterway closure, creating minimal impact to vessel traffic. Moreover, the proposed rule would allow vessels to seek permission to enter the security zone from the COTP or a designated representative. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a permanent security zone for all navigable waters of the LMR from MM 94 to MM 97, AHP, New Orleans, LA. This security zone is necessary to protect vessels, waterfront facilities, the public, and other surrounding areas from destruction, loss, or injury caused by sabotage, subversive acts, accidents, or other actions of a similar nature. While this zone would encompass a three-mile section of the waterway, the COTP would limit the enforcement of

the zone only to the areas specified in the notification of enforcement published in the **Federal Register**. No vessel or person would be permitted to enter the security zone without obtaining permission from the COTP or a designated representative. In accordance with 33 CFR 165.7, for each enforcement of the security zone established under this proposed rule, the COTP would publish a notification of enforcement in the **Federal Register** as early as practicable. The COTP or a designated representative would inform the public of the enforcement area and period of this security zone through Vessel Traffic Services, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the security zone. While this zone would be permanent, it would only be enforced on an as needed basis where the COTP would limit the enforcement to areas specified in the notification of enforcement published in the **Federal Register**. Moreover, the Coast Guard would inform the public of the enforcement area and period of this security zone through Vessel Traffic Services, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate, and the rule would allow vessels to seek permission to enter the security zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a security zone to protect the public in a designated area of the Mississippi River near New Orleans, LA, for a limited number of days. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0333 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.846 to read as follows:

§ 165.846 Security Zone; Lower Mississippi River, Mile Marker 94 to 97 Above Head of Passes, New Orleans, LA.

(a) *Location.* The following area is a security zone: All navigable waters of Lower Mississippi River from mile marker (MM) 94 (29°57′32″ N, 90°03′05″ W) to MM 97 (29°55′19″ N, 90°04′00″ W), NAD83 datum, Above Head of Passes in New Orleans, LA.

(b) *Enforcement period.* The security zone established by this section will be enforced only upon notice of the Captain of the Port New Orleans (COTP). In accordance with subpart A of this part, for each enforcement of the security zone established under this section, the COTP will publish a notification of enforcement in the **Federal Register** as early as is practicable. In addition, the COTP will also inform the public of the enforcement area and times of this section as indicated in paragraph (d) of this section.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, no person or vessel may enter the security zone described in paragraph (a) of this section unless authorized by the COTP or a designated representative. A *designated representative* means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans; to include a Federal, State, and/or local officer designated by or assisting the COTP in the enforcement of the security zone.

(2) To seek permission to enter, contact the COTP or a designated representative by telephone at (504) 365–2545 or VHF–FM Channel 16 or 67. Those in the security zone must transit at their slowest speed and comply with all lawful orders or directions given to them by the COTP or a designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement period of this security zone through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: May 27, 2022.

K.K. Denning,

Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2022–11977 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2022–0219; FRL–9911–01–R4]

Air Plan Approval; Mississippi; Revision of Excess Emissions Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Mississippi Department of Environmental Quality (MDEQ) on November 17, 2016, on behalf of the State of Mississippi. The revision was submitted in response to EPA's SIP call published on June 12, 2015, concerning excess emissions during startup, shutdown, and malfunction (SSM) events. The submittal requests the revision of provisions identified in the 2015 SIP call for the Mississippi SIP. EPA is proposing approval of the SIP revision and proposing to determine that such SIP revision corrects the deficiencies identified in the June 12, 2015, SIP call.

DATES: Comments must be received on or before July 7, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2022–0219 at *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). 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 *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via electronic mail at *akers.brad@epa.gov* or via telephone at (404) 562–9089.

SUPPLEMENTARY INFORMATION:

I. Background

On February 22, 2013, EPA issued a **Federal Register** notice of proposed rulemaking outlining EPA's policy at the time with respect to SIP provisions related to periods of SSM. EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the Clean Air Act (CAA or Act) with regard to excess emission events.[1] For each SIP provision that EPA determined to be inconsistent with the CAA, EPA proposed to find that the existing SIP provision—an exemption or director's discretion provision—was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013, in light of a United States Court of Appeals for the District of Columbia Circuit decision that determined the CAA precludes authority of EPA to create affirmative defense provisions applicable to private civil suits. EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate. *See* 79 FR 55920 (September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), EPA finalized ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' 80 FR 33839 (June 12, 2015), hereinafter referred to as the ''2015 SSM SIP Action.'' The 2015 SSM SIP Action clarified, restated, and updated EPA's interpretation that SSM exemption and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states, including Mississippi, were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016.

EPA issued a memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.[2] Importantly, the 2020 Memorandum stated that it ''did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act.'' Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Mississippi in 2015. The 2020 Memorandum did, however, indicate EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[3] As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This policy approach is intended to ensure that all communities and populations, including minority, low-income and indigenous populations overburdened by air pollution, receive the full health and environmental protections provided by the CAA.[4] The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum regarding EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the Agency takes action on SIP submissions, including the November 17, 2016, SIP submittal provided by MDEQ in response to the 2015 SIP call.

With regard to the Mississippi SIP, in the 2015 SSM SIP Action, EPA determined that 11–1–2 Miss. Code R. 10, *Provisions for Upsets, Startups, and Shutdowns,* at sections 10.1, 10.2, and 10.3, were substantially inadequate to meet CAA requirements. *See* 80 FR 33839, 33963 (June 12, 2015). These provisions have since been recodified as Title 11 of the Mississippi Administrative Code, Part 2, Chapter 1, Rule (11 Miss. Admin. Code, Pt. 2, Ch.1, R.) 1.10, *Provisions for Upsets, Startups, and Shutdowns,* at sections 1.10.A, 1.10.B, and 1.10.C.[5]

In the existing SIP, Rule 1.10.A, *Upsets,* generally provides that the occurrence of an ''upset,'' which is consistent with EPA's description of ''malfunction'' in the 2015 SSM SIP Action, ''constitutes an affirmative defense to an enforcement action brought for noncompliance with emission standards or other requirements of Applicable Rules and Regulations or any applicable permit if the source demonstrates through properly signed contemporaneous operating logs, or other relevant evidence that include'' specific information listed in the Rule. Next, in the existing SIP, Rule 1.10.B, *Startups and Shutdowns,* generally provides that ''[e]missions limitations applicable to normal operation apply during startups and shutdowns'' except in circumstances outlined in the Rule,

[1] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (February 22, 2013).

[2] October 9, 2020, memorandum ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' from Andrew R. Wheeler, Administrator.

[3] September 30, 2021, memorandum ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' from Janet McCabe, Deputy Administrator.

[4] *See* 80 FR 33839, 33985.

[5] EPA approved the non-substantive recodification of MDEQ's rules in a letter notice on February 21, 2020. *See* 85 FR 10070.

including ''infrequent'' periods of startups and shutdowns for which the ''duration of excess emissions is brief.'' Finally, in the existing SIP, Rule 1.10.C generally provides that while maintenance should be performed during planned shutdown or repair, ''[u]navoidable maintenance that results in brief periods of excess emissions and that is necessary to prevent or minimize emergency conditions or equipment malfunctions constitutes an affirmative defense to an enforcement action brought for noncompliance with emission standards, or other regulatory requirements'' if the source can demonstrate that certain criteria in the Rule are met. The rationale underlying EPA's determination that the provisions were substantially inadequate to meet CAA requirements, and its decision to therefore issue a SIP call to Mississippi to remedy the deficiencies, is detailed in the 2015 SSM SIP Action and the accompanying proposals.

Mississippi submitted a SIP revision on November 17, 2016, in response to the SIP call issued in the 2015 SSM SIP Action. In its submission, Mississippi is requesting that EPA revise the Mississippi SIP by: (1) Removing Rule 1.10.A from the Mississippi SIP; (2) revising Rule 1.10.B by deleting exemptions for excess emissions during periods of startup or shutdown, instead providing that emission limitations apply at all times, including startups and shutdowns, unless alternative emission limitations (AELs) are developed for such periods in accordance with requirements in the rule, including that AELs must be incorporated into a permit and are effective for State purposes only until incorporated into Rule 1.10.B and approved by EPA into the SIP; and (3) removing Rule 1.10.C from the Mississippi SIP.

II. Analysis of the November 17, 2016, SIP Submission

Regarding Rule 1.10.A, Mississippi is requesting that this provision be removed in its entirety from the SIP. Mississippi is retaining Rule 1.10.A for state law purposes only, with revisions to, among other things, clarify that the upset provisions of Rule 1.10.A apply to enforcement actions by the State (specifically, the Mississippi Commission on Environmental Quality) only and ''are not intended to prohibit EPA or third-party enforcement actions.'' Mississippi provided the text of Rule 1.10.A in the November 17, 2016 SIP submission solely for informational purposes to show a complete record of the changes adopted; the State does not request approval of the revised provision into the SIP. Based on Mississippi's request to remove Rule 1.10.A from the Mississippi SIP, EPA proposes to approve that removal because it is consistent with CAA requirements and adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to this provision.

Regarding the changes to Rule 1.10.B, the revised rule included for incorporation into Mississippi's SIP provides at B(1) that emission limitations apply during startups and shutdowns ''unless source specific emission limitations or work practice standards for startups and shutdowns are defined by an applicable rule, regulation, or permit.'' Rule 1.10.B(2) goes on to provide that where a source is unable to comply with existing SIP emission limitations during startups and shutdowns, MDEQ may establish source-specific emission limitations or work practice standards, *i.e.,* AELs, which would be effective for State purposes only until submitted to and approved by EPA as SIP revisions. Paragraphs (a), (b), and (c) of Rule 1.10.B(2) set forth requirements to which any such AELs are subject. These requirements (*e.g.,* minimization of the frequency and duration of operation in startup and shutdown mode) are consistent with the criteria EPA recommended in the 2015 SSM SIP Action for such AELs.[6] Last, Rule 1.10.B(3), as revised, simply notes that if an ''upset'' occurs during a startup or shutdown period, the upset provisions of Rule 1.10.A apply. As noted previously, MDEQ is requesting that upset provisions be removed from the SIP, is retaining them for state law purposes only, and is not submitting the revised upset provisions for approval in the SIP. Thus, the existing Rule 1.10.B(3)[7] is requested to be removed from the SIP, and the revised Rule 1.10.B(3) is not being requested for SIP approval.[8]

Taken together, the changes to Rule 1.10.B(1) and (2) provide that emission limitations in the Mississippi SIP apply at all times, including periods of startup and shutdown, and that AELs can be developed in specific circumstances for inclusion in the SIP as source-specific AELs, which the State refers to as ''source specific emission limitations or work practice standards.'' Moreover, Rule 1.10.B(2) provides that these AELs must be developed using considerations consistent with EPA guidance discussed in the 2015 SSM SIP Action.[9] SIP emission limitations remain federally enforceable during periods of startup and shutdown unless and until source specific alternative limitations are established by an applicable rule, regulation, or permit and are approved into the SIP. Therefore, based on Mississippi's changes to Rule 1.10.B and the State's request to include the revised language in the Mississippi SIP, EPA proposes to find that Mississippi's November 17, 2016, SIP revision is consistent with CAA requirements and adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to this provision in the Mississippi SIP.

Finally, regarding the changes to Rule 1.10.C, Mississippi requested that EPA remove this provision from the Mississippi SIP and removed it from the Mississippi Administrative Code. Based on Mississippi's request to remove Rule 1.10.C from the Mississippi SIP, EPA proposes to find that Mississippi's November 17, 2016, SIP revision is consistent with CAA requirements and adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to this provision in the Mississippi SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, as discussed in Sections I and II of this preamble, EPA is proposing to incorporate by reference 11 Mississippi Administrative Code, Part 2, Chapter 1, Rule 1.10, *Provisions for Upsets, Startups, and Shutdowns,* state effective December 10, 2016, except for Rule 1.10.A and 1.10.B(3), which MDEQ is not requesting EPA incorporate into the SIP. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[6] *See* 80 FR 33839, 33980 (recommending seven specific criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown).

[7] The existing SIP-called version of Rule 1.10.B(3) provides that if Rule 1.10.B conflicts with other requirements for startup and shutdown, then the more stringent requirement applies.

[8] On April 19, 2022, EPA received email confirmation from MDEQ that Rule 1.10.B(3), as revised, is not submitted for approval into the SIP. See the document titled ''MS–52 SSM SIP Call Response Email *Clarification_4-19-2022.pdf*'' in the docket for this proposed action.

[9] *See* Memorandum to EPA Regional Administrators, Regions I–X from Steven A. Herman and Robert Perciasepe, USEPA, ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown'' (September 20, 1999).

IV. Proposed Action

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). EPA is proposing to approve Mississippi's November 17, 2016, SIP submission requesting changes to 11 Mississippi Administrative Code, Part 2, Chapter 1, Rule 1.10, *Provisions for Upsets, Startups, and Shutdowns,* into the Mississippi SIP. Specifically, EPA is proposing to remove Rule 1.10.A and Rule 1.10.C from the Mississippi SIP, and to approve the revised version of Rule 1.10.B into the Mississippi SIP, except for Rule 1.10.B(3), which EPA is proposing to remove from the SIP. EPA is proposing approval of the SIP revision because the Agency has determined that it is consistent with the requirements for SIP provisions under the CAA. EPA is further proposing to determine that such SIP revision adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to the Mississippi SIP. EPA is not reopening the 2015 SSM SIP Action and is taking comment only on whether this SIP revision is consistent with CAA requirements and whether it addresses the substantial inadequacy in the specific Mississippi SIP provisions (originally 11–1–2 Miss. Code R. sections 10.1, 10.2, and 10.3, since recodified as 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.10, sections 1.10.A, 1.10.B, and 1.10.C) identified in the 2015 SSM SIP Action.

V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: May 31, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

[FR Doc. 2022–12068 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R4–OAR–2022–0225; FRL–9912–01–R4]

Air Plan Approval; Kentucky; Removal of Excess Emissions Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Kentucky Energy and Environment Cabinet (Cabinet), on November 17, 2016, on behalf of the Commonwealth of Kentucky (Commonwealth). The revision was submitted in response to the EPA's SIP call published on June 12, 2015, concerning excess emissions during startup, shutdown, and malfunction (SSM) events. The submittal requests the revision of provisions identified in the 2015 SIP call for the Kentucky SIP. EPA is proposing to approve the SIP revision and proposing to determine that such SIP revision corrects the deficiencies identified in the June 12, 2015 SIP call.

DATES: Comments must be received on or before July 7, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R4–OAR–2022–0225 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 electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Estelle Bae, Air Permitting Section, Air

Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bae can be reached by telephone at (404) 562–9143 or via electronic mail at *bae.estelle@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 22, 2013, the EPA issued a **Federal Register** notice of proposed rulemaking (NPRM) outlining EPA's policy at the time with respect to SIP provisions related to periods of SSM. EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the CAA with regard to excess emission events.[1] For each SIP provision that EPA determined to be inconsistent with the CAA, EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013, in light of a United States Court of Appeals for the District of Columbia Circuit decision that determined the CAA precludes authority of EPA to create affirmative defense provisions applicable to private civil suits. EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate. *See* 79 FR 55920 (September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), EPA finalized ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' hereinafter referred to as the ''2015 SSM SIP Action.'' *See* 80 FR 33839 (June 12, 2015). The 2015 SSM SIP Action clarified, restated, and updated EPA's interpretation that SSM exemption and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 States, including Kentucky, were substantially inadequate to meet CAA requirements and issued a SIP call to those States to submit SIP revisions to address the inadequacies. EPA established an 18-month deadline by which the affected States had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016.

EPA issued a memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.[2] Importantly, the 2020 Memorandum stated that it ''did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific State SIP provisions that were substantially inadequate to meet the requirements of the Act.'' Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Kentucky in 2015. The 2020 Memorandum did, however, indicate EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[3] As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This policy approach is intended to ensure that all communities and populations, including minority, low-income and indigenous populations overburdened by air pollution, receive the full health and environmental protections provided by the CAA.[4] The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum regarding EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the Agency takes action on SIP submissions, including this SIP submittal provided in response to the 2015 SIP call.

With regard to the Kentucky SIP, in the 2015 SSM SIP Action, EPA determined that 401 Kentucky Administrative Regulations (KAR) 50:055 section 1(1) was substantially inadequate to meet CAA requirements. *See* 80 FR 33839, 33963 (June 12, 2015). This provision states, ''Emissions which, due to shutdown or malfunctions, temporarily exceed the standard set forth by the cabinet shall be deemed in violation of such standards unless the requirements of this section are satisfied and the determinations specified in subsection (4) of this section are made.'' The rationale underlying EPA's determination that 401 KAR 50:055 section 1(1) is substantially inadequate to meet CAA requirements, and therefore should be included in the 2015 SIP call to remedy the deficiency, is detailed in the 2015 SSM SIP Action and the accompanying proposals.

Kentucky submitted a SIP revision on November 17, 2016, in response to the SIP call issued in the 2015 SSM SIP Action. In its submission, Kentucky is requesting that EPA revise the Kentucky SIP by removing 401 KAR 50:055 section 1(1) and section 1(4) in their entirety from the Kentucky SIP and retaining the remaining regulatory provisions, as approved on May 4, 1989.[5]

II. Analysis of Kentucky's SIP Submission

Kentucky's November 17, 2016, SIP revision requests that EPA remove two provisions in their entirety from the SIP. First, Kentucky is requesting that EPA remove the SIP-called provision, 401 KAR 50:055 section 1(1), from the SIP as discussed above. Second, the Commonwealth is also requesting that EPA remove 401 KAR 50:055 section 1(4) from the Kentucky SIP. This provision states the following:

(4) A source shall be relieved from compliance with the standards set forth by the cabinet if the director determines, upon a showing by the owner or operator of the source, that:

(a) The malfunction or shutdown and ensuing start-up did not result from the failure by the owner or operator of the source to operate and maintain properly the equipment;

[1] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (February 22, 2013).

[2] October 9, 2020, memorandum ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' from Andrew R. Wheeler, Administrator.

[3] September 30, 2021, memorandum ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' from Janet McCabe, Deputy Administrator.

[4] *See* 80 FR 33839, 33985.

[5] *See* 54 FR 19169 (May 4, 1989).

(b) All reasonable steps were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the standards, including the use of off shift labor and overtime if necessary;

(c) All reasonable steps were taken to minimize the emissions and their effect on air quality resulting from the occurrence;

(d) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(e) The malfunction or shutdown and ensuing start-up was not caused entirely or in part by poor maintenance, careless operation or any other preventable upset conditions or equipment breakdown.

Although EPA did not include 401 KAR 50:055 section 1(4) in the SIP call with the 2015 SSM SIP Action, the provision is referenced within the SIP-called provision, 401 KAR 50:055 section 1(1), and removing it from the SIP is consistent with the 2015 SSM SIP Action. Kentucky's submittal states that 401 KAR 50:055 section 1(1) and section 1(4) will remain in the Commonwealth's regulations to be enforceable as state-only provisions.[6]

Based on Kentucky's request to remove 401 KAR 50:055 section 1(1) and section 1(4) from the Kentucky SIP, EPA proposes to find that Kentucky's November 17, 2016, SIP revision is consistent with CAA requirements and adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to the Kentucky SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule amended regulatory text that includes incorporation by reference. EPA is proposing to remove the incorporation by reference of specific provisions under 401 KAR 50:055, *General Compliance Requirements.* Specifically, EPA is proposing the removal of 401 KAR 50:055 section 1(1) and section 1(4) from the Kentucky SIP, which is incorporated by reference in accordance with requirements of 1 CFR 51.5. EPA has made, and will continue to make, the SIP generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[6] Once removed from the SIP, 401 KAR 50:055 sections 1(1) and 1(4) will apply to Kentucky in exercising its enforcement authority for state-law purposes only. Citizens and EPA may seek injunctive relief or civil penalties for excess emissions, as 401 KAR 50:055 sections 1(1) and 1(4) will not be in the Kentucky SIP.

IV. Proposed Action

EPA is proposing to approve the Commonwealth's November 17, 2016, SIP submission requesting removal of 401 KAR 50:055 section 1(1) and section 1(4) from the Kentucky SIP. EPA is proposing approval of the SIP revision because the Agency has determined that it is consistent with the requirements for SIP provisions under the CAA. EPA is further proposing to determine that such SIP revision corrects the deficiencies identified in the June 12, 2015 SIP call. EPA is not reopening the 2015 SSM SIP Action and is taking comment only on whether this SIP revision is consistent with CAA requirements and whether it addresses the substantial inadequacy in the specific Kentucky SIP provision (401 KAR 50:055 section 1(1)) identified in the 2015 SSM SIP Action.

V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rulemaking does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: May 31, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

[FR Doc. 2022–12069 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2018–0747; FRL–6934.1–01–OAR]

RIN 2060–AV38

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing (MCM NESHAP) facilities, as required by the Clean Air Act (CAA). In order to complete the required technology review that was originally promulgated on August 14, 2020, the EPA is proposing inorganic

hazardous air pollutant (HAP) standards for process vessels.

DATES: *Comments.* Comments must be received on or before August 8, 2022. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before July 7, 2022.

Public hearing: If anyone contacts us requesting a public hearing on or before June 13, 2022 by 5:00 p.m. ET, we will hold a virtual public hearing. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2018–0747, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2018–0747 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2018–0747.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2018–0747, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Ms. Angie Carey, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2187; fax number: (919) 541–0516; and email address: *carey.angela@epa.gov.*

SUPPLEMENTARY INFORMATION: *Participation in virtual public hearing.* Please note that because of current Centers for Disease Control and Prevention (CDC) recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, the EPA cannot hold in-person public meetings at this time.

To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* If requested, the virtual hearing will be held on June 22, 2022. The hearing will convene at 10:00 a.m. Eastern Time (ET) and will conclude at 5:00 p.m. ET. The EPA may close a session 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce further details at *https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards.*

If a public hearing is requested, the EPA will begin pre-registering speakers for the hearing no later than 1 business day after a request has been received. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards* or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be June 21, 2022. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers in approximate order at: *https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule.

Each commenter will have 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to *carey.angela@epa.gov.* The EPA also recommends submitting the text of your oral testimony as written comments to the rulemaking docket.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or a special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by June 14, 2022. The EPA may not be able to arrange accommodations without advanced notice.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2018–0747. All documents in the docket are listed in *https://www.regulations.gov/.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. With the exception of such material, publicly available docket materials are available electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2018–0747. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit electronically to *https://www.regulations.gov* any information that you consider to be CBI or other information whose disclosure is restricted by statute. This type of information should be submitted as discussed below.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/.* Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, note the docket ID, mark the outside of the digital storage media as CBI and identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in the *Instructions* section of this document. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Our preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link. If sending CBI information through the postal service, please send it to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2018–0747. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

Preamble acronyms and abbreviations. Throughout this document the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

1–BP 1-bromopropane
BLDS bag leak detection system
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
EJ Environmental Justice
EPA Environmental Protection Agency
gr/dscf grains per dry standard cubic feet
HAP hazardous air pollutant(s)
ICR Information Collection Request
km kilometer
MACT maximum achievable control technology
MCM miscellaneous coating manufacturing
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PM particulate matter
RFA Regulatory Flexibility Act
RTR residual risk and technology review
μg/m3 microgram per cubic meter
UMRA Unfunded Mandates Reform Act
UPL upper prediction limit

Organization of this document. The information in this preamble is organized as follows below. Section III of this preamble summarizes the results of the inorganic HAP emissions assessment. Section IV of this preamble describes the majority of the Agency's rationale for the actions proposed in this preamble: sections IV. A. and B. summarize changes we are proposing, including regulatory language changes related to the inorganic HAP emissions requirements; and section IV.C. summarizes our rationale for the compliance dates we are proposing.

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I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source categories that are the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities would not be affected by this proposed action. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (see EPA–450/3–91–030, July 1992), the Manufacture of Paints, Coatings, and Adhesives source category ''is any facility engaged in their manufacture without regard to the particular end-uses or consumers of such products. The manufacturing of these products may occur in any combination at any facility.'' This source category has since been renamed Miscellaneous Coating Manufacturing (MCM).

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category and NESHAP	NAICS code [1]
Miscellaneous Coating Manufacturing Industry	3255, 3259

[1] North American Industry Classification System.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website.

A redline strikeout version of the rule showing the edits that would be necessary to incorporate the changes proposed in this action is presented in the memorandum titled: Proposed Redline Strikeout Edits, Subpart HHHHH: Miscellaneous Coatings Manufacturing, available in the docket for this action (Docket ID No. EPA–HQ–OAR–2018–0747).

II. Background

A. What is the statutory authority for this action?

This action proposes to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP): Miscellaneous Coating Manufacturing, which was previously amended when the EPA finalized the Residual Risk and Technology Review on August 14, 2020.[1]

In the *Louisiana Environmental Action Network* v. *EPA (LEAN)* decision issued on April 21, 2020, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) held that the EPA has an obligation to address unregulated emissions from a source category when the Agency conducts the 8-year technology review required by Clean Air Act (CAA) 112(d)(6).[2] This proposed rule addresses currently unregulated emissions of HAP from the MCM source category. Inorganic HAP can be emitted from sources in the MCM category as part of a source's particulate matter (PM) emissions, containing metal HAP. These emissions can occur when raw materials in powder form are added to the paint mixing vessels. Therefore, the amendments proposed here define the maximum achievable control technology (MACT) standard for inorganic HAP, or metal HAP, within the MCM source category pursuant to CAA sections 112(d)(2) and (3).

B. What is this source category and how does the current NESHAP regulate its organic and inorganic HAP emissions?

As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990*[3] and *Documentation for Developing the Initial Source Category List,* Final Report,[4] the ''manufacture of paints, coatings, and adhesives'' source category ''is any facility engaged in their manufacture without regard to the particular end-uses or consumers of such products. The manufacturing of these products may occur in any combination at any facility.''

The MCM source category includes the collection of equipment that is used to manufacture coatings at a facility. MCM operations also include cleaning operations. Coatings are materials such as paints, inks, or adhesives that are intended to be applied to a substrate and consist of a mixture of resins, pigments, solvents, and/or other additives, where the material is produced by a manufacturing operation where materials are blended, mixed, diluted, or otherwise formulated. Coatings do not include materials made in processes where a formulation component is synthesized by chemical reaction or separation activity and then transferred to another vessel where it is formulated to produce a material used as a coating, where the synthesized or separated component is not stored prior to formulation.

The equipment controlled by the MCM NESHAP includes process vessels, storage tanks for feedstocks and products, equipment leak components (pumps, compressors, agitators, pressure relief devices (PRDs), sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems), wastewater tanks, heat exchangers, and transfer racks.

The current NESHAP regulates process vessels based on the volume of the process vessel and the maximum true vapor pressure of the organic HAP processed or stored. Control requirements range from the use of tightly fitted lids on process vessels to the capture and reduction of organic HAP emissions through the use of add-on controls (*i.e.,* a flare, oxidizer, or condenser).

The current NESHAP does not regulate metal HAP from process vessels. During the addition of raw materials in powder form to paint mixing vessels, emissions of metal HAP in the form of PM emissions may occur

[1] 85 FR 49,724, Aug. 14, 2020.

[2] *Louisiana Environmental Action Network* v. *EPA,* 955 F.3d 1088 (D.C. Cir. 2020) (''*LEAN*'').

[3] See 57 FR 31,576, July 16, 1992.

[4] See EPA–450/3–91–030, July 1992, available at *https://nepis.epa.gov/Exe/ZyNET.exe/2000MTDN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1991+Thru+1994&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C91thru94%5CTxt%5C00000015%5C2000MTDN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL.*

and are typically collected and routed to a PM control device (*i.e.,* baghouse, fabric filters, cartridge filters, or scrubbers). This proposal addresses the previously unregulated metal HAP emissions from this category and proposes MACT for emission sources of metal HAP.

C. What data collection activities were conducted to support this action?

Although no formal data collection activity was conducted, the EPA contacted industry representatives and obtained supplemental information about the emission processes, control technologies, and speciation profiles for metal HAP. New information provided by the American Coatings Association on four area source PM performance tests is available in the docket for this action, Docket ID: EPA–HQ–OAR–2018–0747.

D. What other relevant background information and data are available?

For the MCM source category, we have limited information for metal HAP. We reviewed the 2017 National Emissions Inventory (NEI) for the 42 facilities in the MCM source category and identified emissions of manganese, antimony, nickel, lead, cobalt, chromium III, chromium VI, cadmium, and arsenic compounds, all inorganic HAP, and all metals. Based on discussions with industry, these reported metals emissions are not based on performance test results; rather, they are based on loading rates, emissions factors, and engineering calculations. The EPA has determined that, in this case, it is appropriate to use PM emissions as a surrogate for metal HAP emissions from process vessels in which dry materials (*e.g.,* pigments) containing metal HAP are added to the process vessels. In MCM, ''metal HAP'' is defined as including compounds of manganese, antimony, nickel, lead, cobalt, chromium III, chromium VI, cadmium, and arsenic compounds. MCM sources would be subject to this proposed rule if they emit any of these metal HAP.

The EPA used information from title V permits for each MCM facility, performance tests for area source coating manufacturing facilities, and vendor specifications for baghouses and cartridge filters in this industry to determine the MACT emission limit for metal HAP. The American Coatings Association provided the EPA with performance tests for PM emission control devices from process vessels from four area source paint manufacturing facilities. These four performance tests results are available in the docket for this action, Docket ID: EPA–HQ–OAR–2018–0747. We could not locate PM stack test information for any of the 42 major source coating manufacturing facilities, but the four area sources' test data are from similar equipment used in similar processes and the EPA has determined that the data are a reasonable representation of the control achieved by the best performers in the major source coatings manufacturing source category. Emissions from the four source tests ranged from 0.003 to 0.0138 gr/dscf PM, based on EPA Method 5 testing. Results from these source tests did not include measurement of metal HAP. The EPA also had discussions with baghouse and cartridge filter vendors who service this industry, and they provided performance specifications indicating that some systems could achieve PM emissions on the order of 0.002 to 0.005 gr/dscf, which is on the same order as the values determined from the sources tests.

The EPA also reviewed title V permits of the 42 currently affected MCM sources and found that seven hold permits with PM limits.[5] The limits in the MCM permits ranged from 0.03 to 0.3 gr/dscf from seven facilities using cartridge filters, baghouses, fabric filters, and bag filters. However, these limits are not supported by any measurement or performance test information. Further, facilities estimated their emissions of metal HAP using an assumed composition of PM.

III. Analytical Procedures and Decision-Making

The MACT floor limit for PM from existing sources is calculated based on the average performance of the best-performing units in each category or subcategory and on a consideration of these units' variability. The MACT floor for new sources is based on the single best-performing source, with a similar consideration of that source's variability. The MACT floor for new sources cannot be less stringent than the emissions performance that is achieved in practice by the best-controlled similar source. To account for variability in the operation and emissions, we calculated the MACT floors using the 99 percent Upper Predictive Limit (UPL) using the available stack test information. We note that the MACT floor for new units is based on a limited data set.[6]

The UPL approach addresses variability of emissions data from the best-performing source or sources in setting MACT standards. The UPL also accounts for uncertainty associated with emission values in a dataset, which can be influenced by components such as the number of samples available for developing MACT standards and the number of samples that will be collected to assess compliance with the emission limit. The UPL approach has been used in many environmental science applications. As explained in more detail in the UPL Memo cited above, the EPA uses the UPL approach to reasonably estimate the emissions performance of the best-performing source or sources to establish MACT floor standards.

As described above, we obtained additional data on PM emissions from area sources in the paints and coatings industry. Specifically, we obtained PM data from four facilities that are area source emissions for PM. This proposal is based on this data and the EPA's determination that, due to the similarities in processes and emissions controls, this data is representative of the best performers in the MCM source category.

IV. Analytical Results and Proposed Decisions

A. Proposed Decisions for Inorganic HAP Standards

a. How did we develop the MACT standard?

In reviewing available information, we found no performance test data for metal HAP emissions. However, we reviewed information from the paints and allied products area source standard that indicated the composition of metal HAP from PM was estimated to be approximately 0.13 weight percent. Furthermore, one facility in the MCM source category reported that an analysis of its dust collector dust indicated a value of 0.12 weight percent chromium compounds. Assuming a typical metal HAP weight fraction of PM of approximately 0.12 weight percent, metal HAP emissions from the outlet of a PM control device emitting on the order of 0.003 to 0.0138 gr/dscf would result in metal HAP emissions approaching or below the in-stack detection limit of the analysis method for total selected metals, EPA Method

[5] See *Summary of Data Collected for the Miscellaneous Coatings Manufacturing Risk and Technology Review Amendments,* available in the docket for this action.

[6] For more information regarding the general use of the UPL and why it is appropriate for calculating MACT floors, see *Use of Upper Prediction Limit for Calculating MACT Floors* (UPL Memo), which is available in the docket for this action. For more information on the calculation of MCM-specific MACT floor limits, see *UPL for Area Source Paint.xlsx,* also available in the docket for this action.

29.[7] (See *EPA Springdale Chromium Q.docx* and *Data and Procedure for Handling Below Detection Level Data in Analyzing Various Pollutant Emissions Databases for MACT and RTR Emissions Limits* in the MCM Docket ID: EPA–HQ–OAR–2018–0747 and *Model Plants for Paint and Allied Products Manufacturing Area Sources* in the Paints and Allied Products Docket ID: EPA–HQ–OAR–2008–0053.) Therefore, while it is clear that some of the PM emissions are metal HAP, it is difficult to set a limit for specific metal HAP because controls achieving low PM loading rates (*e.g.,* the best performers) will likely result in concentrations of metal HAP below limits of detection. However, measurement of PM is feasible and represents the best performers and, therefore, we are using PM as a surrogate. As we do not have measurements of metal HAP, we are establishing standards for filterable PM. Metal HAP are non-volatile metals that are a part of filterable PM. While the EPA method selected (EPA Method 5) is for filterable PM, we note that we are testing for filterable, not condensable, PM. We also note that if a source should use solid additives that do not contain metal HAP, then the source is not required to comply with this standard. Likewise, the PM standard does not apply to pigments and other solids that are in paste, slurry, or liquid form, because metal HAP emissions and PM emissions are not expected to occur when using such pigments and other solids because they are not readily dispersed in the air.

To support the proposed use of PM as a surrogate for certain non-mercury HAP metals, we considered the holding in *National Lime* v. *EPA,* 233 F.3d 625 (D.C. Cir. 2000). In considering whether the EPA may use PM, a criteria pollutant, as a surrogate for metal HAP, the D.C. Circuit stated that the EPA ''may use a surrogate to regulate hazardous pollutants if it is 'reasonable' to do so,'' *id.* at 637, and laid out criteria for determining whether the use of PM as a surrogate for non-mercury metal HAP was reasonable. The court found that PM is a reasonable surrogate for HAP if: (1) ''HAP metals are invariably present'' in the source's PM,'' *id.;* (2) the ''source's PM control technology indiscriminately captures HAP metals along with other particulates,'' *id.* at 639; and (3) ''PM control is the only means by which facilities 'achieve' reductions in HAP metal emissions,'' *id.* If these criteria are satisfied and the PM emission standards reflect what the best sources achieve—complying with CAA section 7412(d)(3)—''EPA is under no obligation to achieve a particular numerical reduction in HAP metal emissions.'' *Id.*

While a requirement to meet all of the criteria laid out in the court opinion has never been established, we considered those criteria in evaluating whether the proposed surrogate standards for the MCM source category are reasonable and concluded that they are. Specifically, since the proposed standards would only apply if metal HAP are present in the materials being processed, the first criteria is satisfied. The types of controls used in the industry indiscriminately capture HAP metals along with other particulates, thus satisfying the second criteria. Finally, for each type of product, means other than air pollution controls are not used to reduce emissions. Therefore, we conclude that it is reasonable to use PM as a surrogate for non-mercury HAP metals.

To account for variability in the operation and emissions, the stack test data were used to calculate the MACT floor limits based on the 99 percent UPL. The UPL for new sources was determined to be 0.0079 gr/dscf, and the UPL for existing sources was determined to be 0.014 gr/dscf. We also conducted a beyond-the-floor analysis, where we determined that requiring all facilities to go beyond either limit would not be cost-effective. We based this conclusion on cost information developed for the paints and allied products area source standard, see EPA–HQ–OAR–2008–0053–0072. All facilities in the source category currently have PM controls in place using existing baghouses, fabric filters, or cartridge filters. The estimated cost to completely replace these filters with new filters would be $695,142 in capital costs for all 42 facilities, and the incremental reductions from moving beyond the proposed 0.014 gr/dscf limit to 0.002, the lowest value provided by a vendor, would result in a cost-effectiveness for PM of about $3800/ton, and over $3.5 million/ton metal HAP. Therefore, the beyond-the-floor options were not considered to be cost-effective.

As explained above, the MACT floor for new sources cannot be less stringent than the emissions performance that is achieved in practice by the best-controlled similar source. The EPA performed a variability analysis similar to that used for existing sources to calculate a 99 percent UPL using the test runs from the lowest emitting source to derive the new source MACT floor limit.

b. Performance Testing

We are proposing, based on these limits, that existing sources demonstrate initial compliance with the PM emissions limit of 0.014 gr/dscf and new sources demonstrate initial compliance with the PM emissions limit of 0.0079 gr/dscf. We are proposing to revise Table 1 of 40 CFR part 63 subpart HHHHH to include the emission limits that apply to process vessels. Facilities will be required to comply continuously with the standards during all operations that emit metal HAP. Consistent with the *Paints and Allied Products Manufacturing: NESHAP for Area Sources,* this requirement does not apply to pigments and other solids that are in paste, slurry, or liquid form.

As stated in section III. above, controls achieving low PM loading rates (*e.g.,* the best performers) will likely result in concentrations of metal HAP below limits of detection, particularly with materials with very low concentrations of metal HAP. Therefore, we have also provided owners and operators the ability to demonstrate that materials containing inorganic HAP metals below certain levels are not subject to these standards. We are proposing to add to the list of definitions to this subpart, *material containing metal HAP,* to mean a material containing compounds of manganese, antimony, nickel, lead, cobalt, chromium, cadmium, and arsenic compounds, in amounts greater than or equal to 0.1 percent by weight as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material.

c. Monitoring

Under this proposal, continuous compliance with the emission limits would be demonstrated through control device parameter monitoring coupled with periodic emissions testing. Appropriate operating parameters would include those recommended by the control device manufacturer as appropriate for the control device, including but not limited to pressure drop, scrubber water supply pressure, and/or flow rate. Each operating parameter for a PM control device would be established during emissions performance testing in which the results demonstrate compliance; the average parameter value recorded during the test becomes the facility's operating limit and would be recorded continuously using a continuous parameter monitoring system (CPMS). The operating limit could be reset based on results obtained during subsequent

[7] For example, the average RDL for chromium compounds in an EPA Method 29 train is 2.5 μg/dscm.

performance tests that demonstrate compliance with the emissions limit. Consistent with NESHAP general provisions, a source owner would be required to operate and maintain the source, its air pollution control equipment, and its monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, and its control device in a manner consistent with good engineering control practice, including operating and maintaining equipment in accordance with manufacturer's recommendations. Source owners would be required to prepare and keep records of calibration and accuracy checks of the CPMS to document proper operation and maintenance of the monitoring system. Note that an acceptable example of a CPMS is a bag leak detection system (BLDS) used in conjunction with a baghouse. A source owner would determine the average BLDS value obtained during concurrent emission performance testing, record the value during source operation, and maintain that value between emissions performance tests, while conducting quality assurance checks.

d. Recordkeeping and Reporting

Under this proposal, a source owner would be required to submit semi-annual compliance summary reports which document both compliance with the requirements of this rule and any deviations from compliance with any of those requirements.

Owners and operators would be required to maintain the records specified by 40 CFR 63.10 and, in addition, would be required to maintain records of all inspection and monitoring data, including:

- Records of PM control device operating parameters. For fabric filters without BLDS, the pressure drop across the baghouse is would be included as an operating parameter.
- Records of calibration and accuracy checks for the CPMS.
- Records of test results to demonstrate initial and ongoing compliance with the PM standard.
- If no metal HAP present, records showing a Method 29 test result of no metal HAP emissions, or documentation of formulation data for added dry materials.

B. Adding 1-Bromopropane to List of HAP

On January 5, 2022, the EPA published in the **Federal Register** (87 FR 393) a final rule amending the list of hazardous air pollutants (HAP) under the Clean Air Act (CAA) to add 1-bromopropane (1–BP) in response to public petitions previously granted by the EPA.

For this source category, we do not believe that the inclusion of 1–BP as an organic HAP would have affected the representativeness of the MACT standard. Owners and operators of emission sources regulated by the MACT, including process vessels, wastewater, equipment leaks, and storage may comply with these standards by using a control device or system that achieves a percent reduction and is not HAP-specific. Therefore, we are proposing to include 1–BP in *Table 7 Partially Soluble HAP* and *Table 11 List of Hazardous Air Pollutants That Must Be Counted Toward Total Organic HAP Content If Present at 0.1 Percent or More by Mass* of this subpart to include 1–BP. We are taking comment on these changes, as well as requesting comment on the use of 1–BP emissions in this source category.

C. What compliance dates are we proposing?

Amendments to the MCM NESHAP proposed in this rulemaking for adoption under CAA section 112(d)(2) and (3) are subject to the compliance deadlines outlined in the CAA under section 112(i). For existing sources, CAA section 112(i)(3) provides there shall be compliance ''as expeditiously as practicable, but in no event later than 3 years after the effective date of such standard . . . .'' subject to certain exemptions further detailed in the statute.[8] In determining what compliance period is as ''expeditious as practicable,'' we consider the amount of time needed to plan and construct projects and change operating procedures. As provided in CAA section 112(i), all new affected sources would comply with these provisions by the effective date of the final amendments to the MCM NESHAP or upon startup, whichever is later.

All affected facilities would have to continue to meet the current provisions of 40 CFR part 63, subpart HHHHH until the applicable compliance date of the amended rule. The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10).

Because these facilities have controls in place already, we expect the sources to require time to conduct applicability reviews, conduct performance testing and implement monitoring to comply with the revised provisions. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements related to the PM provisions, the EPA considers a period of 1 year to be the most expeditious compliance period practicable and, thus, is proposing that existing affected sources be in compliance with 40 CFR part 63, subpart HHHHH's revised PM provisions within 1 year of this final rule's effective date.

Therefore, for all affected sources that commence construction or reconstruction on or before June 7, 2022, we are proposing that it is necessary to provide 1 year after the effective date of the final rule (or upon startup, whichever is later) for owners and operators to comply with the PM provisions. For all affected sources that commenced construction or reconstruction after June 7, 2022, we are proposing that owners and operators comply with the amended PM provisions by the effective date of the final rule (or upon startup, whichever is later). For all affected sources, we are proposing that owners and operators comply with the amendments to include 1–BP in Table 7 and Table 11 provisions by the effective date of the final rule.

We solicit comment on these proposed compliance periods, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended provisions and the time needed to make the adjustments for compliance with any of the revised provisions. We note that information provided may result in changes to the proposed compliance dates.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

Currently, 42 major sources subject to the MCM NESHAP are operating in the United States. The affected source under the NESHAP is the facility-wide collection of equipment used to manufacture coatings and includes all process vessels; storage tanks for feedstocks and products; components such as pumps, compressors, agitators, PRDs, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems; wastewater tanks; transfer racks; and cleaning operations. A coating is defined as material such as paint, ink, or adhesive that is intended

[8] *Association of Battery Recyclers* v. *EPA,* 716 F.3d 667, 672 (D.C. Cir. 2013) (''Section 112(i)(3)'s 3-year maximum compliance period applies generally to any emission standard . . . promulgated under [section 112]'' (brackets in original)).

to be applied to a substrate and consists of a mixture of resins, pigments, solvents, and/or other additives, where the material is produced by a manufacturing operation and materials are blended, mixed, diluted, or otherwise formulated.

B. What are the air quality impacts?

We project no emissions reductions of PM from the MCM source category because all facilities reporting PM emissions are already equipped with particulate controls. This action proposes first-time standards for metal HAP that will limit emissions and require that controls are effective.

Indirect or secondary air emissions impacts are impacts that would result from the increased electricity usage associated with the operation of control devices (*e.g.,* increased secondary emissions of criteria pollutants from power plants). Energy impacts consist of the electricity and steam needed to operate control devices and other equipment. The proposed amendments would have no effect on the energy needs of the affected facilities and would, therefore, have no indirect or secondary air emissions impacts.

C. What are the cost impacts?

All existing MCM facilities are expected to be achieving currently the level of control required by the proposed standards. That is, we believe that all existing sources currently route vent streams from specified equipment through a PM control device such that PM emissions are reduced to at least 0.014 gr/dscf. Although this proposed rule contains requirements for new sources, we are not aware of any new sources being constructed now or planned in the next year, and, consequently, we did not estimate any cost impacts for new sources. Therefore, there are no capital costs of this proposed rule. The estimated annualized cost of the proposed rule would be $305,000 per year. The annualized costs account for submitting the notifications and for control device performance testing, inspections, monitoring, recordkeeping, and reporting for 13 facilities that are expected to have add-on controls. As stated in the technical support document, *Summary of Data Collected for the MCM RTR Amendments,* there are 13 facilities that reported metal HAP to the 2017 NEI, therefore, we expect only 13 facilities to incur costs. This document is available in the docket for this action. No other capital costs are associated with this proposed rule, and no additional operational and maintenance costs are expected.

D. What are the economic impacts?

For the proposed rule, the EPA estimated the cost of performing an initial performance test and annual control device inspections at affected facilities. To assess the potential economic impacts, the expected annual cost is compared to the total sales revenue for the ultimate owners of affected facilities. For this rule, the expected annual cost is $7,300 for each facility, with an estimated nationwide annual cost of $305,000 (2019$). The 42 affected facilities are owned by 27 parent companies, and the total costs associated with the proposed amendments are expected to be less than one percent of annual sales revenue per ultimate owner. These costs account for 13 facilities expected to have on control for metal HAP, as well as all 42 facilities to become familiar with the rule. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

The EPA also prepared a small business screening assessment to determine if any of the identified affected entities are small entities, as defined by the U.S. Small Business Administration. This analysis is available in the Docket for this action, Docked ID No. EPA–HQ–OAR–2018–0747–0020. Two of the affected facilities are owned by small entities. However, since the costs associated with the proposed amendments for these two affected small entities are expected to be less than one percent of annual sales revenue per ultimate owner, there are no significant economic impacts on a substantial number of small entities from these proposed amendments.

Information on our cost impact estimates on the sources in the MCM source category is available in the docket for this proposed rule.

E. What analysis of environmental justice did we conduct?

Consistent with EPA's commitment to integrating environmental justice (EJ) in the Agency's actions, and following the directives set forth in multiple Executive Orders, the Agency has carefully considered the impacts of this action on communities with EJ concerns. For MCM facilities, the demographic screening analysis shows the population of people of color is similar to the national average. The EPA expects that the National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Technology Review will limit emissions and require that controls are effective, including in communities already overburdened by pollution, which are often minority, low-income and indigenous communities. This action requires facilities with process vessels emitting metal HAP, which consist of PM emissions from addition of raw materials in powder form to paint mixing vessels, to demonstrate compliance with PM emissions of 0.014 gr/dscf for existing sources and 0.0079 gr/dscf for new sources. Following is a more detailed description of how the Agency considers EJ in the context of regulatory development, and specific actions taken to address EJ concerns for this action.

Executive Order 12898 directs the EPA to identify the populations of concern who are most likely to experience unequal burdens from environmental harms; specifically, minority populations, low-income populations, and indigenous peoples (59 FR 7629, February 16, 1994). Additionally, Executive Order 13985 is intended to advance racial equity and support underserved communities through federal government actions (86 FR 7009, January 25, 2021). The EPA defines EJ as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies''.[9] The EPA further defines fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies''. In recognizing that minority and low-income populations often bear an unequal burden of environmental harms and risks, the EPA continues to consider ways of protecting them from adverse public health and environmental effects of air pollution.

Based on these analyses of potentially exposed populations and actions taken to reduce adverse human health impacts, the EPA anticipates that this action is not likely to result in disproportionate impacts on minority populations and/or low-income populations, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994) and referenced in Executive Order 13985 (86 FR 7009, January 25, 2021). The EPA remains committed to engaging with communities and stakeholders throughout the

[9] *https://www.epa.gov/environmentaljustice.*

development of air pollution regulations.

To examine the potential for any EJ issues that might be associated with MCM facilities, we performed a demographic analysis, which is an assessment of individual demographic groups of the populations living within 5 kilometers (km) and 50 km of the facilities. The EPA then compared the data from this analysis to the national average for each of the demographic groups.

The results of the demographic analysis (see Table 2) indicate that, for populations within 5 km of the 42 major source MCM facilities, the percent of the population who are people of color (being the total population minus the white population) is similar to the national average (41 percent versus 40 percent). However, the percent African American population is higher than the national percent (20 percent versus 12 percent nationally), whereas the percent Other/Multiracial (6 percent versus 8 percent nationally) and Hispanic/Latino (14 percent versus 19 percent nationally) are both below national averages. The percent of people living below the poverty level (19 percent) and those over 25 without a high school diploma (15 percent) are higher than the national averages (13 percent and 12 percent, respectively). The percent of people living in linguistic isolation is lower than the national average (4 percent versus 5 percent).

The results of the analysis of populations within 50 km of the 42 major source MCM facilities (see Table 2) indicate that, the percent population of people of color (being the total population minus the white population) is significantly lower than the national average (28 percent versus 40 percent). The percent of people living below the poverty level, those over 25 without a high school diploma, and people living in linguistic isolation are lower than the corresponding national averages.

A summary of the proximity demographic assessment performed for the major source MCM facilities is included as Table 2. The methodology and the results of the demographic analysis are presented in a technical report, *Analysis of Demographic Factors for Populations Living Near MCM Facilities,* available in this docket for this action (Docket EPA–HQ–OAR–2018–0747).

TABLE 2—PROXIMITY DEMOGRAPHIC ASSESSMENT RESULTS FOR MAJOR SOURCE MCM FACILITIES

Demographic group	Nationwide	Population within 50 km of 42 facilities	Population within 5 km of 42 facilities
Total Population	328,016,242	34,082,528	1,500,328
	White and Minority by Percent		
White	60	72	59
Minority	40	28	41
	People of Color by Percent		
African American	12	13	20
Native American	0.7	0.3	0.3
Hispanic or Latino (includes white and nonwhite)	19	8	14
Other and Multiracial	8	6	6
	Income by Percent		
Below Poverty Level	13	12	19
Above Poverty Level	87	88	81
	Education by Percent		
Over 25 and without a High School Diploma	12	9	15
Over 25 and with a High School Diploma	88	91	85
	Linguistically Isolated by Percent		
Linguistically Isolated	5	3	4

Notes:

- The nationwide population count, and all demographic percentages are based on the Census' 2015–2019 American Community Survey5-year block group averages and include Puerto Rico. Demographic percentages based on different averages may differ. The total population counts within 5 km and 50 km of all facilities are based on the 2010 Decennial Census block populations.
- Minority population is the total population minus the white population.
- To avoid double counting, the ''Hispanic or Latino'' category is treated as a distinct demographic category for these analyses. A person is identified as one of five racial/ethnic categories above: White, African American, Native American, Other and Multiracial, or Hispanic/Latino. A person who identifies as Hispanic or Latino is counted as Hispanic/Latino for this analysis, regardless of what race this person may have also identified as in the Census.

The proposed changes to the NESHAP subpart HHHHH will improve human health exposures for populations in these demographic groups. The proposed changes will provide additional health protection for all populations, including communities already overburdened by pollution, which are often minority, low-income, and indigenous communities. The proposed changes will have beneficial effects on air quality and public health for populations exposed to emissions from MCM facilities.

VI. Request for Comments

We solicit comments on this proposed action. In addition to general comments on this proposed action, we are also interested in receiving additional data that may improve the metal HAP assessment for this source category. We

are specifically interested in receiving performance test results showing metal HAP emissions in this category. Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Information should be submitted to the EPA's ERT website. The ERT website, *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert* provides more information on submitting data.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and 13563 Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

The information collection activities in this proposal have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 2115.09. You can find a copy of the ICR in the MCM Docket (Docket ID No. EPA–HQ–OAR–2018–0747), and it is briefly summarized here.

Respondents/affected entities: Facilities manufacturing surface coatings.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHHH).

Estimated number of respondents: In the year after the amendments are final, approximately 42 respondents per year would be subject to the NESHAP and no additional respondents are expected to become subject to the NESHAP during that period.

Frequency of response: The total number of responses in year 1 is 42, in year 2 is 13, and in year 3 is 13.

Total estimated burden: The average annual burden of the proposed amendments to the 42 MCM facilities over the first year if the amendments are finalized is estimated to be 1,720 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 53 hours (per year). Burden is defined in 5 CFR 1320.3(b).

Total estimated cost: The average annual cost of the proposed amendments to the MCM facilities is $192,000 in labor costs in the first 3 years after the amendments are final. The average annual capital and operation and maintenance costs are $30,000. The total average annual Agency cost of the proposed amendments over the first 3 years after the amendments are final is estimated to be $2,500.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than July 7, 2022. The EPA will respond to any ICR-related comments in the final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are MCM facilities owned by small businesses. Two of the affected facilities are owned by small entities. However, since the costs associated with the proposed amendments for these two affected small entities are expected to be less than one percent of annual sales revenue per ultimate owner, there are no significant economic impacts on a substantial number of small entities from these proposed amendments. Details of this analysis are described in section V.D above and additional detail is provided in the economic impact memorandums associated with this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in any of the industries that would be affected by this action (MCM). Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are documented in the *Miscellaneous Coating Manufacturing Risk Assessment Report,* in the MCM Docket.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. Therefore, the EPA conducted searches for the MCM NESHAP through the Enhanced National Standards Systems Network (NSSN) Database managed by the American National Standards Institute (ANSI). We also conducted voluntary consensus standards (VCS) organizations and accessed and searched their databases. We conducted searches for EPA Methods 5 and 29. During the EPA's VCS search, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to the EPA's referenced method, the EPA ordered a copy of the standard and reviewed it as a potential equivalent method. We reviewed all potential

standards to determine the practicality of the VCS for this rule. This review requires significant method validation data that meet the requirements of EPA Method 301 for accepting alternative methods or scientific, engineering, and policy equivalence to procedures in the EPA referenced methods. The EPA may reconsider determinations of impracticality when additional information is available for particular VCS.

No applicable VCS was identified for EPA Method 5 or EPA Method 29. The search identified one VCS that was potentially applicable for this rule in lieu of EPA Method 29. After reviewing the available standard, the EPA determined that the VCS identified for measuring emissions of pollutants subject to emissions standards in the rule would not be practical due to lack of equivalency. Additional information for the VCS search and determination can be found in the memorandum, *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coatings Manufacturing Technology Review,* which is available in the docket for this action.

The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable VCS, and to explain why the EPA should use such standards in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

As discussed in section V.E of this preamble, the assessment of populations in close proximity of MCM facilities shows no demographic groups that are higher than the national average and the proposed changes will provide health protection for all populations.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

[FR Doc. 2022–12180 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–215; RM–11929; DA 22–578; FRS–89945]

Television Broadcasting Services Orono, Maine

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Maine Public Broadcasting Corporation (Petitioner), the licensee of WMEB, channel *9, Orono, Maine. The Petitioner requests the substitution of channel *22 for channel *9 at Orono in the Table of Allotments.

DATES: Comments must be filed on or before July 7, 2022 and reply comments on or before July 22, 2022.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Derek Teslik, Esq., Gray Miller Persh, 2233 Wisconsin Avenue NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: In support, the Petitioner states that the proposed channel substitution would serve the public interest, since moving the Station to a UHF channel would improve indoor reception. According to the Petitioner, although the proposed channel *22 facilities will result in a slight reduction in the Station's predicted population served, much of the predicted loss area is served by the Petitioner's other commonly owned stations WCBB–TV, Augusta, Maine4 and WMED–TV, Calais, Maine, which largely air the same programming as WMEB–TV. The Petitioner further states that once terrain-limitations are factored into the analysis, the new loss area that would be created by the proposed channel substitution would contain only 523 persons, which it asserts is below the level the Commission considers *de minimis* in the context of determining whether there would be an impermissible loss of service. Moreover, the proposed channel change would result in first service to a substantial number of persons.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 22–215; RM–11929; DA 22–578, adopted May 25, 2022, and released May 25, 2022. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—Radio Broadcast Service

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

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

§ 73.622 [Amended]

■ 2. In § 73.622 in paragraph (j), amend the Table of Allotments under Maine by revising the entry for Orono to read as follows:

§ 73.622 Table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * *	* *
MAINE	
* * *	* *
Orono	*22
* * *	* *

[FR Doc. 2022–12159 Filed 6–6–22; 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–2021–0033; FF09E41000 2223 FXES111609C0000]

RIN 1018–BF98

Endangered and Threatened Wildlife and Plants; Designation of Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish Wildlife Service (Service), propose to revise the regulations concerning experimental populations of endangered species and threatened species under the Endangered Species Act (ESA). We are proposing to remove language generally restricting the introduction of experimental populations to only the species' ''historical range'' to allow for the introduction of populations into habitat outside of their historical range for conservation purposes. To provide for the conservation of certain species, we have concluded that it may be increasingly necessary and appropriate to establish experimental populations outside of their historical range if the ability of the habitat to support one or more life history stages has been reduced due to threats, such as climate change or invasive species. We are also proposing minor changes to clarify the existing regulations. These minor changes are not intended to alter the substance or scope of the regulations.

DATES: We will accept comments from all interested parties until August 8, 2022. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the *Federal eRulemaking Portal: https://www.regulations.gov.* In the Search box, enter FWS–HQ–ES–2021–0033, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2021–0033; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments below for more information).

FOR FURTHER INFORMATION CONTACT: Lisa Ellis, Acting Chief, Division of Restoration and Recovery, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, VA 22041–3803, telephone 703–358–2171. 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 purposes of the ESA are to provide a means to conserve the ecosystems upon which listed species depend, to develop a program for the conservation of listed species, and to achieve the purposes of certain treaties and conventions. Moreover, the ESA states that it is the policy of Congress that Federal agencies shall seek to conserve threatened and endangered species and use their authorities to further the purposes of the ESA (16 U.S.C. 1531(c)(1)). The ESA's implementing regulations are found in title 50 of the Code of Federal Regulations (CFR).

The 1982 amendments to the ESA added section 10(j) to facilitate reintroductions of listed species by allowing the Service to designate ''experimental populations.'' The regulations to carry out section 10(j) provide that the Service may designate as an experimental population a population of an endangered species or a threatened species that will be released into suitable natural habitat outside the species' current natural range (but within its probable historical range, absent a finding by the Director in the extreme case that the primary habitat of the species has been unsuitably and irreversibly altered or destroyed) (50 CFR 17.81). At the time the Service adopted these regulations, it did not anticipate the impact of climate change on species and their habitats. We have since learned that climate change is causing, or is anticipated to cause, many species' suitable habitat to shift outside of their historical range. In addition, other threats such as invasive species may also reduce the ability of habitat to support one or more life history stages within the species' historical range. Therefore, it may be necessary and appropriate to establish experimental populations outside of the species' historical range to provide for their conservation and adapt to the habitat-related impacts of climate change and other threats. These proposed regulatory changes will more clearly establish the authority of the Service to introduce experimental populations into areas of habitat outside of the historical range of the affected listed species. The proposed revisions will not otherwise change the process for designating an experimental population.

Proposed Regulatory Revisions

We seek public comments on the proposed revisions to the regulations in 50 CFR part 17, subpart H. The primary proposed revision is to delete the reference to a species' ''historical range.'' We intend for this change to allow for experimental populations to be introduced into habitat outside of the historical range of the species under appropriate circumstances. Such circumstances could include instances where little to no habitat remains within the historical range of a species or where formerly suitable habitat within the historical range has undergone, or is undergoing, irreversible decline or change, rendering it unable to support one or more life history stages for the species, thereby leading to the need to establish the species in habitat in areas outside the historical range. If this proposal is finalized, it will be applied to future designations and will not require the reevaluation of any prior designation of an experimental population.

Section 17.80 Definitions

In this section under paragraph (a), we propose to replace the word ''natural populations'' with ''nonexperimental populations'' to improve clarity.

Section 17.81 Listing

We propose several edits and additions to this section. Under paragraph (a), the terms ''natural'' and ''suitable'' would be deleted from the first sentence because these terms are not defined. We propose to replace ''suitable'' with ''is necessary to support one or more life history stages,'' *i.e.,* ''suitable natural habitat'' would be revised to ''habitat that is necessary to support one or more life history stages.'' In addition, the parenthetical phrase generally limiting an experimental population of a species to its ''probable historic (sic) range'' would be deleted.

We propose to move the sentence following paragraph (b)(4) to a new paragraph. That sentence does not relate to introduced populations being affected by actions within or adjacent to the experimental population area. Rather, it addresses the Secretary's authority to issue section 10(a)(1)(A) permits for establishment and maintenance of an experimental population. Because this is an undesignated sentence in the regulatory text, and to provide more emphasis on the need for section 10(a)(1)(A) permits, we propose to move this sentence about Secretarial authority to a new paragraph (d).

In paragraph (c)(3), the reference to ''natural populations,'' which are not defined, would be replaced with ''nonexperimental populations.''

In the existing paragraph (d), describing with whom the Service will consult, we propose to add Tribal governments to those affected by the establishment of experimental populations. We are also making a minor change from ''local governmental entities'' to ''local government agencies'' to be consistent with National Marine Fisheries Service section 10(j) regulations, although this proposed word change does not reflect any intent to change our obligation to consult with local governments. Also, we propose to add ''water'' to identify that the interest of agencies, Tribes, or persons may be in water as well as in land. Because of the previously described addition of text to paragraph (d), we would move the current provisions of paragraph (d) to paragraph (e) and the current provisions of paragraph (e) to paragraph (f).

In the existing paragraph (f), we propose to add ''experimental'' to the third sentence to clarify that the referenced nonessential populations are experimental populations under section 10(j). In addition, we propose to delete the last sentence because this language is not included in the ESA and it is not necessary to implement the statutory provisions related to critical habitat designations. We would redesignate this paragraph as paragraph (g).

Section 17.82 Prohibitions

We propose to replace the phrase ''Special rules'' with ''species-specific rules'' to clarify that the rules are developed for specific species.

Section 17.83 Interagency Cooperation

In this section, which relates to how experimental populations are treated for purposes of interagency consultation under ESA section 7, we propose the following changes:

Paragraph (b) would be divided because it covers two different subjects. The first is how the Service will treat an experimental population that either: (1) is essential to the survival of the species or (2) occurs within the National Park System or the National Wildlife Refuge System. The second is how agencies should consider experimental and nonexperimental populations during section 7 consultations (*i.e.,* together as a single species).

The new paragraph (c) would contain part of paragraph (b), as described above, including the existing provision that any section 7 consultation or conference on a proposed Federal action will consider both experimental and nonexperimental populations to constitute a single species for the purposes of conducting the section 7 analyses.

Sections 17.84 and 17.85

These sections contain the regulations that apply to experimental populations of particular listed species. We propose to change the title of each section by deleting ''special'' and inserting ''species-specific'' because ''special'' is vague and ''species-specific'' is a better description to indicate that each rule is specific to a particular species.

Section 17.86

This section is removed and reserved.

Public Comments

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. Comments must be submitted to *https://www.regulations.gov* before 11:59 p.m. (Eastern Time) on the date specified in **DATES**. We will not consider mailed comments that are not postmarked by the date specified in **DATES**.

We will post your entire comment—including your personal identifying information—on *https://www.regulations.gov.* If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *https://www.regulations.gov.*

Required Determinations

Regulatory Planning and Review—Executive Orders 12866 and 13563

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rulemaking is not significant.

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

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rulemaking on small entities (*i.e.,* small

businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency, or that person's designee, certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We certify that, if adopted as proposed, this rulemaking would not have a significant economic effect on a substantial number of small entities. The following discussion explains our rationale.

This rulemaking would revise and clarify requirements for the Service regarding factors for establishing experimental populations under the ESA. The proposed changes to these regulations do not expand the reach of species protections.

The Service is the only entity that is directly affected by this proposed rule because we are the only entity that would apply these regulations to designate experimental populations. No external entities, including any small businesses, small organizations, or small governments, would experience any economic impacts from this rulemaking.

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

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

(a) On the basis of information contained in the Regulatory Flexibility Act section above, this proposed rule would not ''significantly or uniquely'' affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502, that this rulemaking would not impose a cost of $100 million or more in any given year on local or State governments or private entities. A Small Government Agency Plan is not required. As explained above, small governments would not be affected because the proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or Tribal governments or the private sector of $100 million or greater in any year; that is, this proposed rule is not a ''significant regulatory action'' ' under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or Tribal governments.

Takings (E.O. 12630)

In accordance with Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule would not pertain to ''taking'' of private property interests, nor would it directly affect private property. A takings implication assessment is not required because this proposed rule (1) would not effectively compel a property owner to suffer a physical invasion of property and (2) would not deny all economically beneficial or productive use of the land or aquatic resources. This proposed rule would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to designation of experimental populations under the ESA and would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform (E.O. 12988)

This proposed rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988. This proposed rule would clarify factors for designation of experimental populations under the ESA.

Government-to-Government Relationship With Tribes

In accordance with Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and the Department of the Interior's manual at 512 DM 2, we are considering possible effects of this proposed rule on federally recognized Indian Tribes. We will continue to collaborate and coordinate with Tribes on issues related to federally listed species and their habitats. See Joint Secretarial Order 3206 (''American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,'' June 5, 1997).

Paperwork Reduction Act of 1995 (PRA)

This proposed regulation revision does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the PRA (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with reporting requirements associated with experimental populations and assigned the following OMB Control Number: 1018–0095, ''Endangered and Threatened Wildlife, Experimental Populations, 50 CFR 17.84'' (expires 9/30/2023). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We are analyzing this proposed regulation in accordance with the criteria of the National Environmental Policy Act (NEPA), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR 46.10–46.450), and the Department of the Interior Manual (516 DM 8).

We anticipate that the categorical exclusion found at 43 CFR 46.210(i) likely applies to the proposed regulation changes. At 43 CFR 46.210(i), the Department of the Interior has found that the following category of actions would not individually or cumulatively have a significant effect on the human environment and are, therefore, categorically excluded from the requirement for completion of an environmental assessment or environmental impact statement: Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. When the Service proposes to establish an experimental population, the proposed action will be subject to the NEPA process at that time.

We invite the public to comment on the extent to which this proposed regulation may have a significant impact on the human environment or fall within one of the categorical exclusions for actions that have no individual or cumulative effect on the quality of the human environment. We will complete our analysis, in compliance with NEPA, before finalizing this regulation.

Energy Supply, Distribution or Use (E.O. 13211)

Executive Order 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action, and no statement of energy effects is required.

Clarity of the Rulemaking

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

(1) Be logically organized;

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

(3) Use clear language rather than jargon;

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

(5) Use lists and tables wherever possible.

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

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

For the reasons described above, we hereby propose to amend subpart H, of part 17, title 50 of the Code of Federal Regulations, 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.

■ 2. Amend § 17.80 by revising paragraph (a) to read as follows:

§ 17.80 Definitions.

(a) The term *experimental population* means an introduced and/or designated population (including any offspring arising solely therefrom) that has been so designated in accordance with the procedures of this subpart but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species. Where part of an experimental population overlaps with nonexperimental populations of the same species on a particular occasion, but is wholly separate at other times, specimens of the experimental population will not be recognized as such while in the area of overlap. That is, experimental status will be recognized only outside the areas of overlap. Thus, such a population will be treated as experimental only when the times of geographic separation are reasonably predictable, *e.g.,* fixed migration patterns, natural or manmade barriers. A population is not treated as experimental if total separation will occur solely as a result of random and unpredictable events.

* * * * *

■ 3. Amend § 17.81 by:

■ a. Revising paragraph (a) and paragraph (b) introductory text;

■ b. Removing the undesignated paragraph following paragraph (b)(4);

■ c. Revising paragraph (c)(3);

■ d. Redesignating paragraphs (d), (e), and (f) as paragraphs (e), (f), and (g);

■ e. Adding a new paragraph (d); and

■ f. Revising newly redesignated paragraphs (e), (f), and (g).

The revisions and addition read as follows:

§ 17.81 Listing.

(a) The Secretary may designate as an experimental population a population of endangered or threatened species that has been or will be released into habitat that is necessary to support one or more life history stages outside the species' current range, subject to the further conditions specified in this section, provided that all designations of experimental populations must proceed by regulation adopted in accordance with 5 U.S.C. 553 and the requirements of this subpart.

(b) Before authorizing the release as an experimental population of any population (including eggs, propagules, or individuals) of an endangered or threatened species, and before authorizing any necessary transportation to conduct the release, the Secretary must find by regulation that such release will further the conservation of the species. In making such a finding, the Secretary will use the best scientific and commercial data available to consider:

* * * * *

(c) * * *

(3) Management restrictions, protective measures, or other special management concerns of that population, as appropriate, which may include but are not limited to, measures to isolate and/or contain the experimental population designated in the regulation from nonexperimental populations; and

* * * * *

(d) The Secretary may issue a permit under section 10(a)(1)(A) of the Act, if appropriate under the standards set out in subsections 10(d) and (j) of the Act, to allow acts necessary for the establishment and maintenance of an experimental population.

(e) The Service will consult with appropriate State fish and wildlife agencies, affected Tribal governments, local governmental agencies, affected Federal agencies, and affected private landowners in developing and implementing experimental population rules. When appropriate, a public meeting will be conducted with interested members of the public. Any regulation promulgated pursuant to this section will, to the maximum extent practicable, represent an agreement between the Service, the affected State and Federal agencies, Tribal governments, local government agencies, and persons holding any interest in land or water that may be affected by the establishment of an experimental population.

(f) Any population of an endangered species or a threatened species determined by the Secretary to be an experimental population in accordance with this subpart will be identified by a species-specific rule in §§ 17.84 and 17.85 as appropriate and separately listed in § 17.11(h) (wildlife) or § 17.12(h) (plants) as appropriate.

(g) The Secretary may designate critical habitat as defined in section (3)(5)(A) of the Act for an essential experimental population as determined pursuant to paragraph (c)(2) of this section. Any designation of critical habitat for an essential experimental population will be made in accordance with section 4 of the Act. No designation of critical habitat will be made for nonessential experimental populations.

■ 4. Revise § 17.82 to read as follows:

§ 17.82 Prohibitions.

Any population determined by the Secretary to be an experimental

population will be treated as if it were listed as a threatened species for purposes of establishing protective regulations under section 4(d) of the Act with respect to such population. The species-specific rules (protective regulations) adopted for an experimental population under § 17.81 will contain applicable prohibitions, as appropriate, and exceptions for that population.

■ 5. Amend § 17.83 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 17.83 Interagency cooperation.

* * * * *

(b) For a listed species, any experimental population that, pursuant to § 17.81(c)(2), has been determined to be essential to the survival of the species or that occurs within the National Park System or the National Wildlife Refuge System, as now or hereafter constituted, will be treated for purposes of section 7 of the Act as a threatened species.

(c) For purposes of section 7 of the Act, any consultation or conference on a proposed Federal action will treat any experimental and nonexperimental populations as a single listed species for the purposes of conducting the analyses and making agency determinations pursuant to section 7(a) of the Act.

■ 6. Amend § 17.84 by:

■ a. Revising the section heading; and

■ b. Removing the word ''special'' where it appears in the heading and first sentence of paragraph (l)(1) and in the headings to paragraphs (l)(16) and (x)(8).

The revision reads as follows:

§ 17.84 Species-specific rules—vertebrates.

* * * * *

■ 7. Amend § 17.85 by revising the section heading and paragraph (a)(2)(i) to read as follows:

§ 17.85 Species-specific rules—invertebrates.

(a) * * *

(2) * * *

(i) Except as expressly allowed in the rule in this paragraph (a), all the prohibitions of § 17.31(a) and (b) apply to the mollusks identified in the rule in this paragraph (a).

* * * * *

§ 17.86 [Removed and Reserved]

■ 8. Remove and reserve § 17.86.

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–12061 Filed 6–6–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RIN 0648–BK20

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan

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

ACTION: Announcement of the availability of a proposed fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council submitted Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan to the Secretary of Commerce for review and approval. We are requesting comments from the public on this amendment in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. This amendment would implement updated and reformatted goals and objectives for the fishery management plan, a tiered permit system for vessels currently issued an *Illex* squid moratorium permit, a fish hold volume baseline, a fish hold volume upgrade restriction for the highest tier *Illex* squid moratorium permits, and clarify that all *Illex* squid moratorium permits must submit daily catch reports via the vessel monitoring system. The purpose of this action is to align the fishery goals/objectives with current Council vision and priorities and to revise the number and types of *Illex* squid moratorium permits to reduce the negative effects from a race to fish in recent years.

DATES: Comments must be received on or before August 8, 2022.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2022–0056, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2022-0056*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

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, etc.), 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).

The Mid-Atlantic Council prepared an environmental assessment (EA) for Amendment 22 that describes the proposed action and provides an analysis of the impacts of the proposed measures and other alternatives considered. Copies of Amendment 22, including the EA, the Regulatory Impact Review, and the Regulatory Flexibility Act analysis, are available from: Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 State Street, Dover, DE 19901. The EA and associated analysis is accessible via the internet *http://www.mafmc.org/supporting-documents*.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Policy Analyst, 978–281–9150.

SUPPLEMENTARY INFORMATION:

Background

The original goals and objectives for the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) were developed in 1981 when the individual fisheries were merged into one FMP. Since that time, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) has been amended several times and the Mid-Atlantic Fishery Management Council has developed several strategic plans to reflect updated priorities and strategic initiatives such as integrating an ecosystem approach to fisheries management into its FMPs. In September 2020, Atlantic chub mackerel was formally integrated into the FMP, along with updated goals and objectives for managing this species. The Council initiated Amendment 22 in January 2019 in part to update the FMP's goals and objectives to reflect current Council vision and priorities, make them consistent with the formats used in other FMPs managed by the Council, and to merge the original FMP goals and objectives with those developed for Atlantic chub mackerel.

Amendment 22 is also intended to reconsider the appropriate number of

Illex squid moratorium permits. Originally implemented in 1997 under Amendment 5 to the FMP (May 27, 1997; 62 FR 28638), there are currently about 75 *Illex* moratorium permits remaining in the fishery. Since 2017, we have closed the *Illex* squid fishery in August or September of each year because the fishery fully harvested the available quota, with more vessels actively participating in the fishery in recent years. Because not all vessels issued an *Illex* moratorium permit have actively participated in the fishery in recent years, the Council is concerned that these other permits may become active in the fishery, exacerbating the race to fish observed since 2017 and the negative impacts to participants caused by early fishery closures.

To address these issues, Amendment 22 proposes the following measures, which are outlined in further detail in the EA prepared for this action (see **ADDRESSES**):

- Updated FMP goals and objectives reformatted to reflect current Council vision and priorities and the integration of approved Atlantic chub mackerel goals and objectives;
- A Tier 1 *Illex* squid moratorium permit for any existing *Illex* moratorium permit that landed at least 500,000 lb (226.8 mt) of *Illex* squid in one year from 1997–2013 or purchased and installed a refrigerated seawater system, plate freezing system, or blast freezer between January 1 and August 2, 2013, that also landed at least 200,000 lb (90.7 mt) of *Illex* squid before December 31, 2013;
- A Tier 2 *Illex* squid moratorium permit for any existing *Illex* moratorium permit that landed at least 100,000 lb (45.4 mt) of *Illex* squid in one year from 1997–2018;
- A Tier 3 *Illex* squid moratorium permit for any existing *Illex* moratorium permit that landed at least 50,000 lb (22.7 mt) of *Illex* squid in one year from 1997–2018;
- *Illex* squid possession limits for new *Illex* squid moratorium permits proposed in this action, including an unlimited initial possession limit for Tier 1 permits, a 62,000-lb (28,123-kg) possession limit for Tier 2 permits, and a 20,000-lb (9,072-kg) possession limit for Tier 3 permits;
- A fish hold volume baseline measurement and 10-percent upgrade restriction for proposed Tier 1 *Illex* squid moratorium permits; and
- Clarification that *Illex* squid moratorium permits must report daily catch via the vessel monitoring system on declared *Illex* squid trips.

In accordance with section 304(a)(1) of the Magnuson-Stevens Act, we are soliciting public comments on Amendment 22 to the Mackerel, Squid, and Butterfish FMP and its incorporated documents through the end of the comment period specified in the **DATES** section of this notice of availability (NOA). Under this provision of the Magnuson-Stevens Act (section 304(a)(3)), the Secretary may approve, partially approve, or disapprove the amendment as submitted by the Council. All comments received by the end of the comment period of the NOA will be considered in the approval/disapproval decision on the amendment. Comments received after the end of the comment period for the NOA will not be considered in the approval/disapproval decision.

In a letter dated April 22, 2020, and available on the Council's website (see the July 16, 2020, meeting at *www.mafmc.org/meetings*), we expressed concerns with the requalification and tiered permitting measures considered by the Council in the development of this action. These concerns remain, and we invite public input on whether this action satisfies the requirements of the Magnuson-Stevens Act's National Standards, is consistent with the Mackerel, Squid, and Butterfish FMP's goals and objectives, and accomplishes the Amendment's statements of need, purpose, and objectives. If, after reviewing public comments received in response to this NOA, we approve this action, we will publish a proposed rule in the **Federal Register** that would implement the amendment's management measures and solicit additional public comment at that time on the proposed regulations.

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

Dated: June 2, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–12226 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 109
Tuesday, June 7, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–22–0045]

Grain Inspection Advisory Committee Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets no less than once annually to advise the Secretary on the programs and services delivered by the Agricultural Marketing Service (AMS) under the U.S. Grain Standards Act. Recommendations by the Advisory Committee help AMS meet the needs of its customers, who operate in a dynamic and changing marketplace.

DATES: June 22, 2022, 8:30 a.m. to 5:00 p.m. Central & June 23, 2022, 8:30 a.m. to 12:00 p.m. Central.

Location: The Advisory Committee meeting will take place at the AMS National Grain Center, 10383 N Ambassador Drive, Kansas City, Missouri 64153. The meeting will also be virtually accessible. Meeting information can be found at: *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.*

FOR FURTHER INFORMATION CONTACT: Kendra Kline by phone at (202) 690–2410 or by email at *Kendra.C.Kline@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Advisory Committee is to provide advice to AMS with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Advisory Committee is available on the AMS website at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.* The agenda for the upcoming meeting will include updates on previous Advisory Committee recommendations, general program updates, and discussions about Soybeans of Other Colors; Real-time Shuttle Train Data; Grain Inspection Advisory Committee Alternates; the Federal Grain Inspection Service/Food and Drug Administration memorandum of understanding on development of pre-approved reconditioning procedures for actionable lots; and the FGIS Technology Review Process.

Public participation will be limited to written statements and interested parties who have registered to present comments orally to the Advisory Committee.

Written Comments: Written public comments will be accepted on or before 11:59 p.m. ET on June 20, 2022, via email to *Kendra.C.Kline@usda.gov.* Comments submitted after this date will be provided to AMS, but the Committee may not have adequate time to consider those comments prior to the meeting. **FOR FURTHER INFORMATION CONTACT** section by or before the deadline.

Oral Comments: The Committee is providing the public an opportunity to provide oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, June 20, 2022, and may register for only one speaking slot. Instructions for registering and participating in the meeting can be obtained by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Kendra Kline at the telephone number or email listed above.

Dated: June 2, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–12244 Filed 6–6–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 8, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program (SNAP) Forms: Applications, Periodic Reporting, and Notices Final Rulemaking: Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes (RIN 0584–AE02).

OMB Control Number: 0584–NEW.

Summary of Collection: Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program (SNAP) to include the benefit off-line storage and expungement activities contained in the Final Rule ''Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes,'' (85 FR 52025) published August 24, 2020, which implements benefit issuance provisions of the Food, Conservation and Energy Act of 2008, Public Law 110–234 (2008 Farm Bill) and the Agricultural Improvement Act of 2018, Public Law 115–334, (2018 Farm Bill). Both Farm Bills amended the Food and Nutrition Act of 2008 (the Act), which includes benefit issuance, storage, and expiration requirements for administering the program.

A subsequent interim final rule, titled ''Supplemental Nutrition Assistance Program (SNAP): 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes: Delay of Implementation Date for Certain Provisions'', published July 29, 2021 (86 FR 40763), delayed from September 24, 2021, until September 24, 2022, the implementation date of certain provisions of the Final Rule. This included the provisions in 7 CFR 274.2(h) and 274.2(i)(1)–(3) regarding storage of benefits off-line and permanent expungement of unused benefits.

Need and Use of the Information: State agencies are responsible for issuing benefits to those households entitled to benefits under the Act. SNAP regulations at 7 CFR 274.2, require State agencies to send notices via mail to SNAP participants to inform them if their benefits are being moved off-line and if their benefits are about to be expunged. Notices are sent to the home address of SNAP individuals/households via United States Postal Service. Off-line storage notices are sent up to 10 days prior to or concurrent with benefits moving off-line, and expungement notices must be sent, at a minimum, 30 days prior to benefits being expunged. If a household contacts the State agency after the off-line notice has been sent or reapplies for SNAP benefits, the State agency must reinstate those benefits and make them available within 48 hours. Similarly, if a household follows the guidance in their expungement notice prior to the benefits being expunged, they can prevent expungement. If the household does not respond to the notice, the benefits will be moved off-line or expunged from their account.

Each notice is required to include specific information as outlined in SNAP Regulation 7 CFR 274.2(h)–(i). Off-line storage notices must include the steps necessary to bring the benefits back on-line and the State agency's permanent expungement policy. Expungement notices must be written in easily understandable plain language and include the date that benefit expungement will begin, the action needed to prevent the expungement, and the household's right to request a fair hearing.

Description of Respondents: 53 State, Local, or Tribal Government; 2,961,834 Individuals/Households.

Number of Respondents: 2,961,887.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 163,970.49.

Dated: June 2, 2022.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–12264 Filed 6–6–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0074]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Oha Leaves (Pterocarpus mildbraedii) From Nigeria Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh Oha leaves (*Pterocarpus mildbraedii*) from Nigeria into the continental United States. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh Oha leaves from Nigeria. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before August 8, 2022.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2021–0074 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2021–0074, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 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. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Marc Phillips, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2114; email: *MarcPhillips@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart L—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importagion of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the national plant protection organization of Nigeria to allow the importation of fresh

Oha leaves (*Pterocarpus mildbraedii*) from Nigeria into the continental United States. As part of our evaluation of Nigeria's request, we have prepared a pest risk assessment (PRA) to identify the pests of quarantine significance that could follow the pathway of the importation of fresh Oha leaves from Nigeria into the continental United States. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the fresh Oha leaves to mitigate the pest risk.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our PRA and RMD for public review and comment. Those documents, as well as a description of the economic considerations associated with the importation of fresh Oha leaves from Nigeria, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the PRA and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh Oha leaves from Nigeria in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will authorize the importation of fresh Oha leaves from Nigeria into the continental United States subject to the requirements specified in the RMD.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of June 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–12077 Filed 6–6–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0030]

Notice of Request for Extension of Approval of an Information Collection; Mycoplasma Bovis in Bison 2022 Case Control Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the 2022 case control study for the *Mycoplasma bovis* pathogen in U.S. bison herds.

DATES: We will consider all comments that we receive on or before August 8, 2022.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2022–0030 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0030, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 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. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on this study for the *Mycoplasma bovis* pathogen in bison, contact Mr. William Kelley, Assistant Director, Program Coordination & Implementation, Center for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B, MS 2E6, Fort Collins, CO 80526; (970) 494–7270. For information about the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Mycoplasma Bovis in Bison 2022 Case Control Study.

OMB Control Number: 0579–0482.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture is authorized to protect the health of livestock, poultry, and aquaculture populations in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases within the United States when feasible. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

APHIS first recognized *Mycoplasma bovis* as an emerging pathogen in bison herds in 2013. Since that time, few additional premises had been reported as affected until 2021, when multiple new premises and herds experienced significant losses attributed to the appearance of *Mycoplasma bovis* in the herds. These herds began experiencing 10 to 50 percent herd loss affecting multiple age classes, with reproductive-aged cows suffering the most significant losses. Despite the unique and significant burden of this pathogen on bison, little information exists on the sources of infection to naïve herds. Once affected, bison producers report significant recurrent losses in subsequent years, and producers who were first affected in 2013 continued to experience significant losses, particularly in 2021. Diagnostic testing is not currently able to identify animals infected but not shedding the bacterium; therefore, these animals can serve as a source of infection during subsequent years. To limit additional herds becoming infected in the 2022 season, APHIS is conducting a study on the potential sources of new infections in naïve herds and will collect information needed to identify risk factors for this rapidly spreading pathogen. Identifying risk factors is critical for developing prevention and control recommendations that are necessary because there are no effective treatments or vaccines currently for this pathogen and resulting mortality losses are high and recurring.

The information collection activity associated with this study consists of a multi-question questionnaire administered to bison producers (herd owners or managers). In April 2022, APHIS requested and was granted emergency approval by the Office of Management and Budget (OMB) to conduct this information collection activity for 6 months. We are asking

OMB to approve our use of this information collection activity for an additional 3 years in the event additional study opportunities arise from future unanticipated *Mycoplasma bovis* outbreaks in bison herds.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: Bison producers (herd owners or managers).

Estimated annual number of respondents: 220.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 220.

Estimated total annual burden on respondents: 55 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 2nd day of June 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–12262 Filed 6–6–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0026]

Notice of Request for Revision to and Extension of Approval of an Information Collection; National Animal Health Reporting System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's (APHIS') intention to request a revision to and extension of approval of an information collection associated with APHIS' National List of Reportable Animal Diseases National Animal Health Reporting System.

DATES: We will consider all comments that we receive on or before August 8, 2022.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2022–0026 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0026, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 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. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For more information on the National Animal Health Reporting System, contact Mr. William Kelley, Assistant Director, Program Coordination & Implementation, Center for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B, MS 2E6, Fort Collins, CO 80526; (970) 494–7270; *NLRAD.NAHRS@usda.gov.* For information about the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Reporting System.

OMB Control Number: 0579–0299.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal Plant Health Inspection Service (APHIS) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and other articles to prevent the introduction and interstate spread of livestock diseases and to eradicate such diseases from the United States when feasible. In connection with this mission, APHIS operates the National Animal Health Reporting System (NAHRS), which collects, on a national basis, monthly data from State veterinarians on the presence or absence of diseases of interest to the World Organization for Animal Health (WOAH).[1]

As a member country of WOAH, the United States must submit reports to WOAH on the status of certain diseases in specific livestock, poultry, and aquaculture species. Reportable diseases are diseases that have the potential for rapid spread, irrespective of national borders, that are of serious socioeconomic or public health consequence, and that are of major importance in the international trade of animals and animal products. The potential benefits to trade of accurate reporting on the health status of the U.S. commercial livestock, poultry, and aquaculture industries include expansion of those industries into new export markets and preservation of existing markets through increased confidence in quality and disease freedom. This data collection is unique in terms of the type, quantity, and frequency because no other entity is collecting and reporting data to WOAH on the health status of U.S. livestock, poultry, and aquaculture. Information collected from the States include monthly NAHRS 1 reports and National List of Reportable Animal Diseases NAHRS 2 emerging disease reporting forms, and from the private sector, National Veterinary Services Laboratories (NVSL) 201 requests for information from U.S. testing

[1] On May 28, 2022, the World Organization for Animal Health announced a change to its acronym from OIE to WOAH to match its full name. See *https://www.woah.org/en/the-world-organisation-for-animal-health-launches-its-refreshed-brand-identity/.*

laboratories engaged in the testing of animals for SARS CoV–2.

The NAHRS 2 and NVSL 201 burden, which is currently under Office of Management and Budget (OMB) control number 0579–0476 (SARS–CoV–2 Testing in Animals Reporting Activities), is being merged into this collection (0579–0299). Upon renewal of this information collection request, 0579–0476 will be discontinued.

We are asking OMB to approve our use of these information collection activities, as described, for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 4.27 hours per response.

Respondents: State and private veterinarians and animal scientists.

Estimated annual number of respondents: 77.

Estimated annual number of responses per respondent: 20.

Estimated annual number of responses: 1,548.

Estimated total annual burden on respondents: 6,615 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 2nd day of June 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–12249 Filed 6–6–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Domestic Sugar Program—2022-Crop Cane Sugar Marketing Allotments and Cane and Beet Processor Allocations

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture (USDA) is issuing this notice to revise State cane sugar allotments, revise company allocations to sugar beet and sugar cane processors, and reassign some cane sugar marketing allotment to raw cane sugar imports already anticipated. This applies to all domestic beet and cane sugar marketed for human consumption in the United States from October 1, 2021, through September 30, 2022.

FOR FURTHER INFORMATION CONTACT: Kent Lanclos, telephone, (202) 720–0114; or email, *kent.lanclos@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION: On September 30, 2021, USDA announced the initial fiscal year 2022 (FY 2022) overall sugar marketing allotment quantity (OAQ), which was established at 10,370,000 short tons, raw value, (STRV). This was equal to 85 percent of the estimated quantity of sugar for domestic human consumption for FY 2022 of 12,200,000 STRV, as forecast in the September 2021 World Agricultural Supply and Demand Estimates report. The Agricultural Adjustment Act of 1938, as amended, requires that 54.35 percent of the OAQ be distributed among beet processors and 45.65 percent be distributed among the sugar cane States and cane processors.

On December 22, 2021, USDA: (1) Increased the FY 2022 OAQ to 10,802,657 STRV; (2) consequently revised the cane and beet sector marketing allotments, the State cane sugar marketing allotments, and cane and beet processor allocations according to formulas contained in the authorizing legislation for the Sugar Program; [1] and (3) transferred allocations from beet processors with surplus allocation to those in need of additional allocation. USDA determined that no reassignment of allotments among sugar cane States and allocations among cane processors was necessary at that time.

In accordance with section 359e of the Agricultural Adjustment Act of 1938, after evaluating again each sugar beet processor's ability to market its full allocation, USDA is transferring FY 2022 allocations from sugar beet processors with surplus allocation to those in need of additional allocation. This transfer is presented in the table below. USDA is not reassigning any FY 2022 beet allocations to raw cane sugar imports at this time, given the uncertainty of beet sugar production quantities from new crop sugar beets in the final 2 months (August through September) of FY 2022.

USDA has also determined that domestic cane sugar supplies are inadequate to fill the FY 2022 cane sugar marketing allotment. In accordance with section 359e of the Agricultural Adjustment Act of 1938, USDA is reassigning 600,000 STRV of this deficit to raw cane sugar imports already anticipated under the FY 2022 tariff-rate quotas (TRQ) for raw cane sugar, given the absence of any CCC stocks of sugar.

[1] The authority for the Sugar Program is in 7 U.S.C. 1359aa–1359jj, 7272, and 8110; 15 U.S.C. 714b and 714c.

FY 2022 OVERALL BEET AND CANE SUGAR ALLOTMENTS AND ALLOCATIONS

[Short tons, raw value]

Distribution	FY 2022 allocations as of November 2021	Reassignments	
		Reassigned amount	Adjusted FY 2022 allocations as of May 2022
Beet Sugar	5,871,244	0	5,871,244
Cane Sugar	4,931,413	−600,000	4,331,413
Total OAQ	10,802,657	−600,000	10,202,657
Beet Processors Marketing Allocations:			
Amalgamated Sugar Co	1,287,839	72,872	1,360,711
American Crystal Sugar Co	2,072,759	−53,797	2,018,962
Michigan Sugar Co	714,025	−102,846	611,179
Minn-Dak Farmers Co-op	472,332	81,481	553,812
So. Minn Beet Sugar Co-op	715,009	−25,009	690,000
Western Sugar Co	551,388	32,825	584,212
Wyoming Sugar Co. LLC	57,893	−5,525	52,368
Total Beet Sugar	5,871,244	0	5,871,244
State Cane Sugar Allotments:			
Florida	2,650,522	−474,023	2,176,499
Louisiana	2,050,477	−55,324	1,995,153
Texas	230,414	−70,654	159,761
Total Cane Sugar	4,931,413	−600,000	4,331,413
Cane Processors' Marketing Allocation:			
Florida			
Florida Crystals	1,091,290	−296,058	795,231
Growers Co-op of FL	476,790	−75,879	400,911
U.S. Sugar Crop	1,082,443	−102,085	980,357
Total	2,650,522	−474,023	2,176,499
Louisiana			
Louisiana Sugar Cane Products, Inc	1,423,506	−33,214	1,390,292
M.A. Patout & Sons	626,971	−22,110	604,861
Total	2,050,477	−55,324	1,995,153
Texas			
Rio Grande Valley	230,414	−70,654	159,761

These FY 2022 sugar marketing allotment program actions will not prevent any domestic sugar cane or sugar beet processor from marketing all its FY 2022 sugar supply. USDA will closely monitor stocks, consumption, imports, and all sugar market and program variables on an ongoing basis and may make further program adjustments during FY 2022, if needed.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and TTY) or (844) 433–2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: *OAC@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Zach Ducheneaux,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2022–12274 Filed 6–6–22; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Superior Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Superior Resource Advisory Committee (RAC) will hold two virtual meetings by telephone conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as to make recommendations on recreation fee proposals for sites on the Superior National Forest, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: *https://www.fs.usda.gov/main/superior/workingtogether/advisorycommittees.*

DATES: The meetings will be held on June 22, 2022, from 9:00 a.m.–4:00 p.m. and June 29, 2022, from 9:00 a.m.–12:00 p.m., Central Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings are open to the public and will be held virtually via telephone conference. Members of the public may participate in the June 22nd meeting by dialing 1–202–650–0123, access code 529377190#. Members of the public may participate in the June 29th meeting by dialing 1–202–650–0123, access code 50691463#.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Mike Crotteau, Designated Federal Officer (DFO), by phone at (218) 387–3205 or email at *michael.crotteau@usda.gov* or Cathy Quinn, RAC Coordinator, at (218) 387–3240 or email at *cathleen.quinn@usda.gov.*

Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays. Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY). Additionally, program information may be made available in languages other than English.

SUPPLEMENTARY INFORMATION: The purpose of the meetings are to:

1. Allow oral statements from the public; and

2. Continue to review and vote on requests for project proposals.

The meetings are open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting dates to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Cathy Quinn, 2020 West Highway 61, Grand Marais, MN 55604 or by email to *cathleen.quinn@usda.gov.*

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: June 2, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–12257 Filed 6–6–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–804]

Certain Steel Nails From the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that sales of certain steel nails (steel nails) from the United Arab Emirates (UAE) were made at less than normal value (NV) during the period of review (POR) May 1, 2020, through April 30, 2021. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Brittany Bauer or Kelsie Hohenberger, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3860 or (202) 482–2517, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2021, Commerce initiated an administrative review of the antidumping duty order on steel nails from the UAE in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[1] This administrative review covers 18 producers/exporters of the subject merchandise.[2] Commerce selected two mandatory respondents for individual examination: Middle East Manufacturing Steel LLC (MEM) and Master Nails and Pins Manufacturing, LLC (Master). We preliminarily find, however, that it is appropriate to treat MEM and Master as a single entity (MEM/Master).[3] On January 20, 2022,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 35481 (July 6, 2021) (*Initiation Notice*).

[2] While the *Initiation Notice* names 19 companies, we subsequently found two of these companies to be affiliated and are preliminarily treating them as a single entity.

[3] *See* Memorandum, ''Antidumping Duty Administrative Review of Certain Steel Nails from the United Arab Emirates—Middle East Manufacturing Steel LLC and Master Nails and Pins Manufacturing LLC Preliminary Affiliation and Single Entity Memo,'' dated concurrently with this notice. Commerce has preliminarily determined that MEM and Master are affiliated, pursuant to section 771(33)(F) of the Act, and should be

Continued

Commerce extended the deadline for the preliminary results of this administrative review by 120 days, until May 31, 2022.[4]

For details regarding the events that occurred subsequent to the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order [6]

The products covered by this *Order* are certain steel nails from the UAE. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Companies

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair value (LTFV) investigation, for guidance when calculating the rate for companies that were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' In this segment of the proceeding, we calculated a margin for MEM/Master, the sole mandatory respondent, that was not zero, *de minimis,* or based on facts available. Accordingly, consistent with section 735(c)(5)(A), we determined the weighted-average dumping margin calculated for MEM/Master to be the weighted-average dumping margin for the non-examined companies.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margins exists for the period May 1, 2020, through April 30, 2021:

Producer/exporter	Weighted-average dumping margin (percent)
Middle East Manufacturing Steel LLC/Master Nails and Pins Manufacturing, LLC	3.65
Review-Specific Rate Applicable to the Following Companies	
Al Falaq Building Materials	3.65
Al Khashab Building Materials Co., LLC	3.65
Al Rafaa Star Building Materials Est	3.65
Al Sabbah Trading and Importing, Est	3.65
All Ferro Building Materials, LLC	3.65
Asgarali Yousuf Trading Co., LLC	3.65
Azymuth Consulting, LLC	3.65
Burj Al Tasmeem, Tr	3.65
Gheewala Hardware Trading Company, LLC	3.65
New World International, LLC	3.65
Okzeela Star Building Materials Trading, LLC	3.65
Rich Well Steel Industries LLC	3.65
Rishi International, FZCO	3.65
Samrat Wire Industry, LLC	3.65
Sea Lan Contracting	3.65
SK Metal International DMCC	3.65
Trade Circle Enterprises, LLC	3.65

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[7] If MEM/Master's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We intend to instruct CBP to assess antidumping duties on all appropriate entries covered by this review where the importer-specific assessment rate

considered a single-entity, pursuant to 19 CFR 351.401(f).

[4] *See* Memorandum, ''Certain Steel Nails from the United Arab Emirates: Extension of Deadline for Preliminary Results of 2020–2021 Antidumping Duty Administrative Review,'' dated January 20, 2022.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order: Certain Steel Nails from the United Arab Emirates; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Certain Steel Nails from the United Arab Emirates: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27421 (May 10, 2012) (*Order*).

[7] *See* 19 CFR 351.212(b)(1).

calculated in the final results of this review is not zero or *de minimis.*

For the companies which were not selected for individual review, we intend to determine an assessment rate based on the rate calculated for MEM/Master, as noted above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[8]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by the respondent where the respondent did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[9]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the finals results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rates published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered by this review, a prior review, or the original LTFV investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.30 percent,[10] the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.[11] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[12] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13] Case and rebuttal briefs should be filed using ACCESS [14] and must be served on interested parties.[15] Executive summaries should be limited to five pages total, including footnotes. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Final Results of the Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Affiliation and Single Entity Treatment
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2022–12213 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See* section 751(a)(2)(C) of the Act.

[9] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Order.*

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] *See generally* 19 CFR 351.303.

[15] *See* 19 CFR 351.303(f).

[16] *See Temporary Rule.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–523–817]

Certain Steel Nails From the Sultanate of Oman: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from the Sultanate of Oman (Oman). The period of investigation is January 1, 2020, through

December 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3936.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On January 26, 2022, we published the notice of initiation of a countervailing duty (CVD) investigation of steel nails from Oman.[1] On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are steel nails from Oman. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice.* We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.[6] We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.[7] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[8]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated countervailable subsidy duty rate for Oman Fasteners LLC, the only individually-examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis,* or based entirely on fact otherwise available, the rate calculated for Oman Fasteners LLC is the rate assigned to all other producers and exporters. For a full description of the methodology underlying Commerce's analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

Commerce preliminarily determines that the following estimated net countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Oman Fasteners LLC	2.49
All Others	2.49

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the verification questionnaire response in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[9] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further

[1] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations,* 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

[2] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 87 FR 12080 (March 3, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Certain Steel Nails from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice,* 87 FR at 3971.

[6] *See Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 87 FR 30868 (May 20, 2022).

[7] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

notice.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of nails from Oman are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars. Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000, or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Scope Comments
V. Scope of the Investigation
VI. Subsidies Valuation
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2022–12190 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–039]

Certain Amorphous Silica Fabric From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that

revocation of the countervailing duty (CVD) order on certain amorphous silica fabric (silica fabric) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailing subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Natasia Harrison, Office VI, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1240.

SUPPLEMENTARY INFORMATION:

Background

On March 17, 2017, Commerce published in the **Federal Register** the CVD order on silica fabric from China.[1] On February 1, 2022, Commerce initiated the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On February 16, 2022, Commerce received a timely filed notice of intent to participate from Auburn Manufacturing, Inc. (the domestic interested party) within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested party claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product.

On March 3, 2022, Commerce received an adequate substantive response to the *Initiation Notice* from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no substantive responses from any other interested parties, including the Government of China, and no interested party requested a hearing. On March 21, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)–(C), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by this order is silica fabric. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the accompanying Issues and Decision Memorandum, including the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail if the *Order* were revoked.[7] A list of the issues discussed in the decision memorandum is attached as the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNotices/ListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of countervailable subsidies at the rates listed below.

Exporter/producer	Subsidy rate (percent)
ACIT (Pinghu) Inc.; ACIT (Shanghai) Inc.	48.94
Nanjing Tianyuan Fiberglass Material Co., Ltd.	79.90
Acmetex Co., Ltd., Beijing Great Pack Materials, Co. Ltd., Beijing Landingji Engineering Tech Co., Ltd., Changshu Yaoxing Fiberglass Insulation Products Co., Ltd., Changzhou Kingze Composite Materials Co., Ltd., Changzhou Utek Composite Co., Chengdu Chang Yuan Shun Co., Ltd., China Beihai Fiberglass Co., Ltd., China Yangzhou Guo Tai Fiberglass Co., Ltd., Chongqing Polycomp International Corp., Chongqing Yangkai Import & Export Trade Co., Ltd., Cixi Sunrise Sealing Material Co., Ltd., Fujian Minshan Fire-Fighting Co., Ltd., Grand Fiberglass Co., Ltd., Haining Jiete Fiberglass Fabric Co., Ltd., Hebei Yuniu Fiberglass Manufacturing Co., Ltd., Hebei Yuyin Trade Co., Ltd., Hengshui Aohong International Trading Co., Ltd., Hitex Insulation (Ningbo) Co., Ltd., Mowco Industry Limited, Nanjing Debeili New Materials Co., Ltd., Ningbo Fitow High Strength Composites Co., Ltd., Ningbo Universal Star Industry & Trade Limited, Ningguo BST Thermal Protection Products Co., Ltd., Qingdao Feelongda Industry & Trade Co., Ltd., Qingdao Shishuo Industry Co., Ltd., Rugao City Ouhua Composite Material Co., Ltd., Rugao Nebola Fiberglass Co., Ltd., Shanghai Bonthe Insulative Material Co., Ltd., Shanghai Horse Construction Co., Ltd., Shanghai Liankun Electronics Material Co., Ltd., Shanghai Suita Environmental Protection Technology Co., Ltd., Shangqui Huanyu Fiberglass Co., Ltd., Shengzhou Top-Tech New Material Co., Ltd., Shenzhen Songxin Silicone Products Co., Ltd., Taixing Chuanda Plastic Co., Ltd., Taixing Vichen Composite Material Co., Ltd., TaiZhou Xinxing Fiberglass Products Co., Ltd., Tenglong Sealing Products Manufactory Yuyao, Texaspro (China) Company, Wallean Industries Co., Ltd., Wuxi First Special-Type Fiberglass Co., Ltd., Wuxi Xingxiao Hi-Tech Material Co., Ltd., Yuyao Feida Insulation Sealing Factory, Yuyao Tianyi Special Carbon Fiber Co., Ltd., Zibo Irvine Trading Co., Ltd., Zibo Yao Xing Fire-Resistant and Heat-Preservation Material Co., Ltd., Zibo Yuntai Furnace Technology Co., Ltd	165.39
All Others	64.42

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO

[1] *See Certain Amorphous Silica Fabric from the People's Republic of China: Countervailing Duty Order,* 82 FR 14316 (March 17, 2017) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 87 FR 5467 (February 1, 2022) (*Initiation Notice*).

[3] *See* Domestic Interested Party's Letter, ''Amorphous Silica Fabric from the People's Republic of China: Five Year (''Sunset'') Review of Countervailing Duty Order—Notice of Intent to Participate,'' dated February 16, 2022.

[4] *See* Domestic Interested Party's Letter, ''Amorphous Silica Fabric from the People's Republic of China: Five Year (''Sunset'') Review of Countervailing Duty Order—Auburn Manufacturing, Inc.'s Substantive Response to Notice of Initiation,'' dated March 3, 2022.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 1, 2022,'' dated March 21, 2022.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Certain Amorphous Silica Fabric from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *Id.*

materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: June 1, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2022–12252 Filed 6–6–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–810]

Polyethylene Terephthalate Resin From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that OCTAL SAOC—FZC (OCTAL), the sole respondent subject to this antidumping duty (AD) administrative review, did not make sales of subject merchandise at less than normal value during the period of review (POR) May 1, 2020, through April 30, 2021. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2021, Commerce initiated an administrative review of the AD order on polyethylene terephthalate resin (PET resin) from the Sultanate of Oman (Oman) [1] for the POR with respect to OCTAL.[2] For a complete description of the events that followed the initiation of this review, *see* the accompanying Preliminary Decision Memorandum.[3]

On January 11, 2022, Commerce extended the deadline for these preliminary results of this review from January 31, 2022, to May 31, 2022.[4]

Scope of the Order

The merchandise covered by this order is PET resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The merchandise subject to this order is properly classified under subheadings 3907.60.00.30, 3907.61.0000, 3907.61.0010, 3907.61.0050, 3907.69.0000, 3907.69.0010, and 3907.69.0050 of the Harmonized Tariff Schedule of the United States (HTSUS).[5] Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive. For a full description of the scope of the *Order, see* Preliminary Decision Memorandum.[6]

Methodology

We conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). We calculated export price and normal value in accordance with sections 772 and 773 of the Act, respectively. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, the Preliminary Decision Memorandum may be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Preliminary Results of the Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period May 1, 2020, through April 30, 2021:

Manufacturer/exporter	Weighted-average margin (percent)
OCTAL SAOC—FZC	1.27

Disclosure

Commerce intends to disclose the calculations used in its analysis to parties to the proceeding within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in making its final results of the review.

Public Comment

Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing

[1] *See Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman: Amended Final Affirmative Antidumping Determination (Sultanate of Oman) and Antidumping Duty Orders,* 81 FR 27979 (May 6, 2016) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 35481 (July 6, 2021).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2020–2021 Antidumping Duty Administrative Review of Polyethylene Terephthalate Resin from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* Memorandum, ''Polyethylene Terephthalate Resin from the Sultanate of Oman: Extension of Deadline for Preliminary Results of the 2020–2021 Antidumping Duty Administrative Review,'' dated January 11, 2022.

[5] On January 27, 2017, Commerce added HTS numbers 3907.61.0000 and 3907.69.0000 to the Case Reference File. *See* Memorandum, ''Request from Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin form the Sultanate of Oman (A–523–810),'' dated January 31, 2017. Further, on February 28, 2019, Commerce added HTS numbers 3907.61.0010, 3907.61.0050, 3907.69.0010 and 3907.69.0050 to the Case Reference File. *See* Memorandum, ''Request from U.S. Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin from the Sultanate of Oman (A–523–810),'' dated February 28, 2019.

[6] *See* Preliminary Decision Memorandum.

case briefs.[7] Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each brief: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[8] Executive summaries should be limited to five pages total, including footnotes.[9] Case and rebuttal briefs should be filed using ACCESS.[10] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Pursuant to 19 CFR 351.310(c), any interested party who wishes to request a hearing must file a written request for a hearing to the Assistant Secretary for Enforcement and Compliance via ACCESS within 30 days after the date of publication of this notice in the **Federal Register**. Requests for a hearing should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals from the requesting party that will attend the hearing, including, whether any individuals are foreign nationals; and (3) a list of the issues the party intends to discuss at the hearing. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. If a hearing is requested, Commerce will notify interested parties of the hearing date and time. Parties should confirm by telephone the date and time of the hearing two days before the scheduled hearing date.

Final Results of the Review

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in any written briefs, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[12]

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We will calculate importer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined U.S. sales of merchandise imported by a particular importer, to the total entered value of the reported U.S. sales in accordance with 19 CFR 351.212(b)(1).[13] Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[14] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by OCTAL for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (*i.e.,* 7.62 percent) [15] if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of PET resin from Oman entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for OCTAL will be equal to the weighted-average dumping margin established in the final results of this review (except, if the weighted-average dumping margin is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.62 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Sections in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Adverse Facts Available
V. Discussion of the Methodology
VI. Currency Conversion
VI. Recommendation

[FR Doc. 2022–12193 Filed 6–6–22; 8:45 am]

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[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *Id.*

[10] *See* 19 CFR 351.303.

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[12] *See* section 751(a)(3)(A) of the Act; *see also* 19 CFR 351.213(h)(1).

[13] In these preliminary results, we applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[14] *Id.,* 77 FR at 8103; *see also* 19 CFR 351.106(c)(2).

[15] *See Order,* 81 FR 27981.

[16] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–542–805]

Certain Steel Nails From Sri Lanka: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from Sri Lanka. The period of investigation is January 1, 2020, through December 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Nathan James, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5305.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On January 26, 2022, we published the notice of initiation of a countervailing duty (CVD) investigation on steel nails from Sri Lanka.[1] On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are steel nails from Sri Lanka. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice.* We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.[6] We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs. The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated countervailable subsidy rate for Trinity Steel Private Limited (Trinity Steel), the only individually-examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis,* or based entirely on facts otherwise available, the rate calculated for Trinity Steel is the rate assigned to all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Trinity Steel Private Limited	4.12
All Others	4.12

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice, in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

[1] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations,* 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

[2] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 87 FR 12080 (March 3, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Steel Nail from Sri Lanka,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 87 FR 30868 (May 20, 2022).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the verification questionnaire response in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of steel nails from Sri Lanka are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars. Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Scope Comments
V. Scope of the Investigation
VI. Subsidies Valuation
VII. Analysis of Programs
VIII. Recommendation

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[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–914]

Certain Superabsorbent Polymers From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain superabsorbent polymers (SAP) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2020, through September 30, 2021. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo or Elfi Blum, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3979 or (202) 482–0197, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on November 30, 2021.[1] On March 28, 2022, Commerce postponed the preliminary determination of this investigation and the revised deadline is now May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is SAP from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce invited parties to comment on the Preliminary Scope Decision Memorandum. We intend to address the comments and issue a decision regarding the scope of this investigation after this preliminary determination. *See* the revised scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for LG Chem, Ltd. (LGC), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for LGC is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
LG Chem, Ltd	28.74
All Others	28.74

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise. These suspension of liquidation instructions will remain in effect until further notice.

[1] *See Certain Superabsorbent Polymers from the Republic of Korea: Initiation of Less-Than-Fair Value Investigation,* 87 FR 67915 (November 30, 2021) (*Initiation Notice*).

[2] *See Superabsorbent Polymers from the Republic of Korea: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 87 FR 17270 (March 28, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Superabsorbent Polymers from the Republic of Korea'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Certain Superabsorbent Polymers from the Republic of Korea: Preliminary Scope Decision,'' dated April 29, 2022 (Preliminary Scope Decision Memorandum).

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs may be submitted seven days after the date that case briefs are due.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[8]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On May 27, 2022, pursuant to 19 CFR 351.210(e), LGC requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[9] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter(s) account(s) for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is superabsorbent polymers (SAP), which is cross-linked sodium polyacrylate most commonly conforming to Chemical Abstracts Service (CAS) registry number 9003–04–7, where at least 90 percent of the dry matter, by weight on a nominal basis, corrected for moisture content, is comprised of a polymer with a chemical formula of (C3H3O2NaxH1-x)n, where *x* is within a range of 0.00–1.00 and there is no limit to *n*. The subject merchandise also includes merchandise with a chemical formula of {(C2H3)COONayH(1-y)}n, where *y* is within a range of 0.00–1.00 and there is no limit to *n*.

The subject merchandise includes SAP which is fully neutralized as well as SAP that is not fully neutralized.

The subject merchandise may also conform to CAS numbers 25549–84–2, 77751–27–0, 9065–11–6, 9033–79–8, 164715–58–6, 445299–36–5, 912842–45–6, 561012–86–0, 561012–85–9, or 9003–01–4.

All forms and sizes of SAP, regardless of packaging type, including but not limited to granules, pellets, powder, fibers, flakes, liquid, or gel are within the scope of this investigation. The scope also includes SAP whether or not it incorporates additives for anticaking, anti-odor, antiyellowing, or similar functions.

The scope also includes SAP that is combined, commingled, or mixed with other products after final sieving. For such combined products, only the SAP component is covered by the scope of this investigation. SAP that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries. A combination is excluded from this investigation if the total SAP component of the combination (regardless of the source or sources) comprises less than 50 percent of the combination, on a nominal dry weight basis.

SAP is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3906.90.5000. SAP may also enter the United States under HTSUS 3906.10.0000. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Scope Comments
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

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[7] *See* 19 CFR 351.309.

[8] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[9] *See* LGC's Letter, ''Certain Superabsorbent Polymers from the Republic of Korea: Request for Postponement of Final Determination and Extension of Provisional Measures Period,'' dated May 27, 2022.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–847]

Certain Steel Nails From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from the Republic of Turkey (Turkey). The period of investigation is January 1, 2020, through December 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda or Ajay Menon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185 or (202) 482–0208, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On January 26, 2022, we published the notice of initiation of a countervailing duty (CVD) investigation on steel nails from Turkey.[1] On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are steel nails from Turkey. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice.* We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.[6] We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs. The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated individual estimated countervailable subsidy rates for Aslanbas Civi Tel Ve Celik Hasir San A.S. (Aslanbas) and Sertel Vida Metal A.S. (Sertel) that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged sales values for the merchandise under consideration.[8]

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Aslanbas Civi Tel Ve Celik Hasir San A.S	3.88
Sertel Vida Metal A.S	1.33
All Others	1.70

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or

[1] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations,* 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

[2] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 87 FR 12080 (March 3, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Affirmative Preliminary Determination of the Countervailing Duty Investigation of Certain Steel Nails from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 87 FR 30868 (May 20, 2022).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, ''All-Others Rate Calculation Memorandum,'' dated May 31, 2022.

after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the last verification questionnaire response in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[9] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of steel nails from Turkey are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars. Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511,

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Scope Comments
V. Scope of the Investigation
VI. Diversification of Turkey's Economy
VII. Subsidies Valuation
VIII. Analysis of Programs
IX. Recommendation

[FR Doc. 2022–12191 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–845]

Certain Steel Nails From Thailand: Preliminary Negative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of certain steel nails (steel nails) from Thailand. The period of investigation is January 1, 2020, through December 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Griffith or Jonathan Hall-Eastman, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6430 or (202) 482–1468, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on January 26, 2022.[1] On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are steel nails from Thailand. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice.* We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.[6] We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs. The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

Preliminary Determination

For this preliminary determination, Commerce calculated *de minimis* estimated countervailable subsidies for each individually examined producer(s)/exporter(s) of the subject merchandise. Consistent with section 703(b)(4)(A) of the Act, Commerce has disregarded the *de minimis* rates. Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Come Best Thailand Co., Ltd	0.04 percent (*de minimis*).
Jinhai Hardware Co. Ltd	0.10 percent (*de minimis*).

[1] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations,* 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

[2] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 87 FR 12080 (March 3, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Steel Nails from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice,* 87 FR at 3971.

[6] *See Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 87 FR 30868 (May 20, 2022).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Consistent with section 703(d) of the Act, Commerce has not determined an estimated weighted-average subsidy rate for all other producers/exporters because it has not made an affirmative preliminary determination.

Suspension of Liquidation

Because Commerce preliminarily determines that no countervailable subsidies are being provided to the production or exportation of subject merchandise, Commerce will not direct U.S. Customs and Border Protection to suspend liquidation of any such entries.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the last verification questionnaire response in this investigation. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs after the deadline date for case briefs.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its determination 75 days after Commerce's final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars.

Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this investigation are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel, and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Scope Comments
V. Scope of the Investigation
VI. Subsidies Valuation
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2022–12187 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–843]

Prestressed Concrete Steel Wire Strand From the Republic of Turkey: Notice of Court Decision Not in Harmony With the Final Determination of Countervailing Duty Investigation; Notice of Amended Final Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 26, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Celik Halat ve Tel Sanayi A.S.* v. *United States,* Court No. 21–00050, sustaining the U.S. Department of Commerce's (Commerce) first remand redetermination pertaining to the countervailing duty (CVD) investigation of prestressed concrete steel wire strand (PC strand) from the Republic of Turkey (Turkey), covering the period of investigation January 1, 2019, through December 31, 2019. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in that investigation, and that Commerce is amending the final determination with respect to the countervailable subsidy rate assigned to Celik Halat ve Tel Sanayi A.S. (Celik Halat) and all other exporters/producers of PC strand not individually examined.

DATES: Applicable June 5, 2022.

FOR FURTHER INFORMATION CONTACT: Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3342.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 2020, Commerce published its *Final Determination* in the CVD investigation of PC strand from Turkey.[1] Commerce calculated an estimated net countervailable subsidy rate of 158.44 percent for Celik Halat and 94.61 percent for all other exporters/producers not individually examined.[2] Commerce subsequently published the CVD order on PC strand from Turkey.[3]

Celik Halat appealed Commerce's *Final Determination.* On February 15, 2022, the CIT remanded the *Final Determination* to Commerce, stating that Commerce impermissibly used facts otherwise available with respect to the late filing of Celik Halat's initial questionnaire response.[4] The CIT ordered Commerce to expeditiously determine a new estimated net countervailable subsidy rate for Celik Halat that does not resort to section 776 of the Tariff Act of 1930, as amended (the Act), with respect to the filing of the initial questionnaire response.[5]

In its final remand redetermination, issued in April 2022, Commerce accepted Celik Halat's questionnaire responses, and based upon the information received, calculated an estimated net countervailable subsidy rate of 2.96 percent for Celik Halat and 16.87 percent for all other exporters/producers not individually examined.[6] The CIT sustained Commerce's final redetermination.[7]

Timken Notice

In its decision in *Timken,*[8] as clarified by *Diamond Sawblades,*[9] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Act, Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 26, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Celik Halat and all other exporters/producers not individually examined as follows:

Company	Subsidy rate (percent)
Celik Halat ve Tel Sanayi A.S.[10]	2.96
All Others	16.87

Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: June 1, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12186 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Prestressed Concrete Steel Wire Strand from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination,* 85 FR 80005 (December 11, 2020) (*Final Determination*).

[2] *Id.*

[3] *See Prestressed Concrete Steel Wire Strand from the Republic of Turkey: Countervailing Duty Order,* 86 FR 7990 (February 3, 2021).

[4] *See Celik Halat ve Tel Sanayi A.S.* v. *United States,* Slip Op. 22–13, Court No. 21–00050 (CIT February 15, 2022).

[5] *Id.* at 37.

[6] *See Final Results of Redetermination Pursuant to Court Remand, Celik Halat ve Tel Sanayi A.S.* v. *United States,* Court No. 21–00050, Slip. Op. 22–13 (CIT February 15, 2022), dated April 15, 2022.

[7] *See Celik Halat ve Tel Sanayi A.S.* v. *United States,* Slip Op. 22–55, Court No. 21–00050 (CIT May 26, 2022).

[8] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[9] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[10] Commerce found the following companies to be cross-owned with Celik Halat: Dogan Sirketler Grubu Holding A.S. and Adilbey Holding A.S. *See Final Determination,* 85 FR at 80006 (n.8).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–869]

Certain New Pneumatic Off-the-Road Tires From India: Final Results of Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain new pneumatic off-the-road tires (off-road tires) from India would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2022, Commerce published the notice of initiation of the sunset review of the AD order on off-road tires from India,[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] In accordance with 19 CFR 351.218(d)(1)(i) and (ii), Commerce received notices of intent to participate in these sunset reviews from a domestic producer[3] within 15 days after the date of publication of the *Initiation Notice.*[4] The domestic producer claimed domestic interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.

On March 3, 2022, the domestic producer submitted a timely substantive response within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from any other interested parties with respect to the *Order* covered by this sunset review, nor was a hearing requested. On December 20, 2021, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The products covered by the *Order* are off-road tires from India. For a full description of the scope, *see* the Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Order* were revoked. A list of topics discussed in the Issues and Decision Memorandum is included as the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* A complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNotices/ListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to 3.67 percent.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: June 1, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2022–12251 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain New Pneumatic Off-the-Road Tires from India: Antidumping Duly Order,* 82 FR 12553 (March 6, 2017) (*Order*); and *Certain New Pneumatic Off-the-Road Tires from India: Notice of Correction to Antidumping Duty Order,* 82 FR 25598 (June 2, 2017).

[2] *See Initiation of Five-Year (Sunset) Review,* 87 FR 5467 (February 1, 2022).

[3] The domestic producer is Titan Tire Corporation.

[4] *See* Domestic Producer's Letter, ''Certain New Pneumatic Off-the-Road Tires from India: Notice of Intent to Participate in Sunset Review,'' dated February 16, 2022.

[5] *See* Domestic Producer's Letter, ''Certain New Pneumatic Off-the-Road Tires from India: Substantive Response to Notice of Initiation,'' dated March 3, 2022.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on November 1, 2021,'' dated December 20, 2021.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Expedited Sunset Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from India,'' dated concurrently with, and hereby adopted by, this notice.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–905]

Certain Steel Nails From India: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from India. The period of investigation is April 1, 2020, through March 31, 2021. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen or Eric Hawkins, AD/

CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251, or (202) 482–1988, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On January 26, 2022, we published the initiation of a countervailing duty (CVD) investigation on steel nails from India.[1] On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are steel nails from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice.* We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.[6] We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs. The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated individual estimated countervailable subsidy rates for Astrotech Steels Pvt. Ltd. (Astrotech) and Geekay Wires Limited (Geekay), the two individually-examined exporter/producers that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged sales values for the merchandise under consideration.[8]

Preliminary Determination

Commerce preliminarily determines that the following estimated net countervailable subsidy rates exist:

Company	Subsidy rate (ad valorem) (percent)
Astrotech Steels Pvt. Ltd	2.93
Geekay Wires Limited	2.73
All Others	2.85

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the last

[1] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations,* 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

[2] *See Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 87 FR 12080 (March 3, 2022).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Certain Steel Nails from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 87 FR at 3971.

[6] *See Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 87 FR 30868 (May 20, 2022).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. For a complete analysis of the data, *see* Memorandum, ''Preliminary Determination of Subsidy Rate for All Others,'' dated May 31, 2022.

verification questionnaire response in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[9] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of steel nails from India are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars. Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to these investigations also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Scope Comments
V. Scope of the Investigation
VI. Subsidies Valuation
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2022–12188 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award; Notice of Partially Closed Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet on Wednesday, June 15, 2022, from 9:00 a.m. to 4:00 p.m. Eastern time. The purpose of this meeting is to discuss and review the role and responsibilities of the Judges Panel and information received from the National Institute of Standards and Technology (NIST) in order to ensure the integrity of the Malcolm Baldrige National Quality Award (Award) selection process. The agenda will include: Judges Panel roles and processes; Baldrige Program updates; new business/public comment; lessons learned from the 2021 judging process; recommended award process improvements from the Board of Overseers focus group; and the suspension of the 2022 Award process. A portion of this meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

DATES: The Judges Panel will meet on Wednesday, June 15, 2022 from 9:00 a.m. Eastern Time until 4:00 p.m. Eastern Time. The portion of the meeting that is closed to the public will take place on Wednesday, June 15, 2022 from 2:00 p.m. to 4:00 p.m.

ADDRESSES: The meeting will take place at the Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878 and a virtual option will be available. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, email *robert.fangmeyer@nist.gov* or phone number 301–975–4781.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on Wednesday, June 15, 2022 from 9:00 a.m. to 4:00 p.m. Eastern Time. The Judges Panel is composed of no less than nine and not more than twelve members, appointed by the Secretary of Commerce, chosen for their familiarity with quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The primary purpose of this meeting is to assemble to discuss and review the role and responsibilities of the Judges Panel and information received from NIST in order to ensure the integrity of the Malcolm Baldrige National Quality Award selection process. During the closed session on June 15, 2022 from 2:00 p.m. to 4:00 p.m. the Judges Panel will discuss lessons learned from the 2021 judging process and the suspension of the 2022 Award process. The agenda may change to accommodate Judges Panel business. The final agenda will be posted on the NIST website at *https://www.nist.gov/baldrige/how-baldrige-works/baldrige-community/judges-panel.*

The open portion of the meeting from 9:00 a.m. to 2:00 p.m. Eastern Time will include discussions on the Judges Panel roles and processes and Baldrige program updates and is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Panel's business are invited to request a place on the agenda. Approximately 30 minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about three minutes each. Questions from the public will not be considered during this period. Requests must be submitted by email to Robyn Verner at *robyn.verner@nist.gov* and must be received by 4:00 p.m. Eastern Time, June 9, 2022 to be considered. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements by email to *robyn.verner@nist.gov.*

Admittance instructions: All participants will need to pre-register to be admitted. Please contact Ms. Verner by email at *robyn.verner@nist.gov* or 301–975–2361 and she will provide you with instructions for admittance in person or for virtual. All requests must be received by 4:00 p.m. Eastern Time, Thursday, June, 9, 2022.

The portion of the meeting from 2:00 p.m. to 4:00 p.m. Eastern Time will include discussions on lessons learned from the 2021 judging process and on the suspension of the 2022 Award process, and is closed to the public in order to protect the proprietary data to be examined and discussed. The Acting Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Employment, Litigation and Information, formally determined on November 1, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in Sunshine Act, Public Law 94–409, that a portion of the meeting of the Judges Panel may be closed to the public in accordance with 5 U.S.C. 552b(c)(4) because the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential and 5 U.S.C. 552b(c)(9)(B) because the meeting is likely to disclose information the premature disclosure of which would, in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action. Portions of the meeting involve examination of prior year Award applicant data. Award applicant data are directly related to the commercial activities and confidential information of the applicants.

Pursuant to 41 CFR 102–3.150(b), the **Federal Register** notice for this meeting is being published fewer than 15 calendar days prior to the meeting as exceptional circumstances exist. It is imperative that the meeting be held on June 15, 2022 to accommodate the scheduling priorities of the key participants. The **Federal Register** notice could not be published previously due to the need to accommodate schedules, as well as the logistical and scheduling challenges of arranging for an in-person meeting as well as a virtual option due to the COVID–19 pandemic.

(Authority: 15 U.S.C. 3711a(d)(1) as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.)

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2022–12172 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC077]

South Atlantic Fishery Management Council (Council); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meetings of Wreckfish shareholders and the South Atlantic Fishery Management Council's Spiny Lobster Advisory Panel and Golden Crab Advisory Panel.

SUMMARY: The Council will hold a meeting of Wreckfish shareholders, and the Spiny Lobster Advisory Panel and Golden Crab Advisory Panel.

DATES: The Wreckfish shareholders meeting will be held June 28, 2022, from 1 p.m. until 5:30 p.m. EDT; the Spiny Lobster Advisory Panel meeting on June 29, 2022. from 8:30 a.m. until 5 p.m. EDT; and the Golden Crab Advisory Panel meeting June 30, 2022, from 8:30 a.m. until 12 p.m. EDT.

ADDRESSES:

Meeting address: The meetings will be held at the Reefhouse, Resort and Marina, 103800 Overseas Highway, Key Largo, FL 33037; phone: (305) 453–0000.

The meetings will also be available via webinar. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available two weeks prior to the meeting at: *https://safmc.net/safmc-meetings/.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Christina Wiegand, Fishery Social Scientists, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *christina.wiegand@safmc.net.*

SUPPLEMENTARY INFORMATION: Wreckfish shareholders will meet to discuss Amendment 48 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic, which addresses modernization of the Wreckfish Individual Transferable Quota Program and discuss other business as needed. The Spiny Lobster Advisory Panel will update their fishery performance report, discuss areas currently closed to lobster traps to protect threatened corals in federal waters off the Florida Keys, discuss the Florida Keys National Marine Sanctuary Restoration Blueprint, if available, and discuss other business as needed. The Golden Crab Advisory Panel will complete a fishery performance report and discuss other business as needed.

Fishery performance reports assemble information from the Council's fishery advisory panel members' experience and observations on the water and in the marketplace to complement scientific and landings data and inform management decisions.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 2, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–12246 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XV187]

Space Weather Advisory Group Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Space Weather Advisory Group (SWAG) will meet for 2 half-days on June 13–14, 2022.

DATES: The meeting is scheduled as follows: June 13–14, 2022 from 10 a.m.–2 p.m. Eastern Standard Time (EST).

ADDRESSES: The public meeting will be conducted virtually via webinar. For details on how to connect to the webinar or to submit comments, please visit *www.weather.gov/swag* or contact Jennifer Meehan, National Weather Service; telephone: 301–427–9798; email: *jennifer.meehan@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Meehan, National Weather Service, NOAA, 1325 East West Highway, Silver Spring, Maryland 20910; 301–427–9798 or *jennifer.meehan@noaa.gov;* or visit the SWAG website: *https://www.weather.gov/swag.*

SUPPLEMENTARY INFORMATION: Pursuant to the Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow (PROSWIFT) Act, 51 U.S.C. 60601 *et seq.,* the Administrator of NOAA and the National Science and Technology Council's Space Weather Operations, Research, and Mitigation (SWORM) Subcommittee established the Space Weather Advisory Group (SWAG) on April 21, 2021. The SWAG is the only Federal Advisory Committee that advises and informs the interest and work of the SWORM. The SWAG is to receive advice from the academic community, the commercial space weather sector, and nongovernmental space weather end users to carry out the responsibilities of the SWAG set forth in the PROSWIFT Act, 51 U.S.C. 60601 *et seq.*

The SWAG is directed to advise the SWORM on the following: Facilitating advances in the space weather enterprise of the United States; improving the ability of the United States to prepare for, mitigate, respond to, and recover from space weather phenomena; enabling the coordination and facilitation of research to operations and operations to research, as described in section 60604(d) of title 51, United States Code; and developing and implementing the integrated strategy under 51 U.S.C. 60601(c), including subsequent updates and reevaluations. The SWAG shall also conduct a comprehensive survey of the needs of users of space weather products to identify the space weather research, observations, forecasting, prediction, and modeling advances required to improve space weather products, as required by 51 U.S.C. 60601(d)(3).

Matters To Be Considered

The meeting will be open to the public. During the meeting, the Committee will discuss the PROSWIFT Act, 51 U.S.C. 60601 *et seq.,* directed duties of the SWAG including the required 51 U.S.C. 60601(d)(3) user survey. The full agenda will be published on the SWAG website. Meeting materials, including work products, will also be available on the SWAG website: *https://www.weather.gov/swag.*

Additional Information and Public Comments

The meeting will be held over two half-days and will be conducted via webinar (for meeting details see **ADDRESSES**). Please register for the meeting through the website: *https://www.weather.gov/swag.*

This event is accessible to individuals with disabilities. For all other special accommodation requests, please contact *Jennifer.meehan@noaa.gov.* This webinar is a NOAA public meeting and will be recorded and transcribed. If you have a public comment, you acknowledge you will be recorded and are aware you can opt out of the meeting. Participation in the meeting constitutes consent to the recording. Both the meeting minutes and

presentations will be posted to the SWAG website (*https://www.weather.gov/swag).* The agenda, speakers and times are subject to change. For updates, please check the SWAG website (*https://www.weather.gov/swag).*

Public comments directed to the SWAG members and SWAG related topics are encouraged. Individuals or groups who would like to submit advance written comments, please email them to *jennifer.meehan@noaa.gov* by June 10, 2022 to provide sufficient time for SWAG review. Written comments received after these dates will be distributed to the SWAG but may not be reviewed prior to the meeting date. As time allows, public comments will be read into the public record during the meeting. Advance comments will be collated and posted to the meeting website.

Dated: June 1, 2022.

Michael Farrar,

Director, National Centers for Environmental Prediction, National Weather Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC065]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Punta Gorda Lighthouse Stabilization Project in Humboldt County, California

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

ACTION: Notice; issuance of an incidental harassment authorization (IHA).

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an IHA to the Bureau of Land Management (BLM) to incidentally harass marine mammals during construction activities associated with the Punta Gorda Lighthouse (PGL) Stabilization Project in Humboldt County, California. There are no changes from the proposed authorization in this final authorization.

DATES: This Authorization is effective from June 1, 2022 through October 1, 2022.

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed incidental harassment authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

Summary of Request

On August 30, 2021, NMFS received a request from the BLM for an IHA to take marine mammals incidental to the PGL Stabilization Project in Humboldt County, California. The application was deemed adequate and complete on February 15, 2022. The BLM's request is for take of a small number of northern elephant seals (*Mirounga angustirostris*), Pacific harbor seals (*Phoca vitulina richardii*), California sea lions (*Zalophus californianus*), and Steller sea lions (*Eumetopias jubatus*) by Level B harassment only. Neither the BLM nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

There are no changes from the proposed IHA to the final IHA.

Description of Planned Activity

Overview

The PGL was established as an aid to navigation in 1912 along the northern California coast. While in use, the lighthouse station included the lighthouse, oil house, three residences, and numerous other small buildings typical of small military outposts. Although the lighthouse is located on the mainland, maintaining the station in the remote and rugged location along the coast proved to be too difficult and the U.S. Coast Guard decommissioned the lighthouse in 1951. The BLM assumed management of the site following the PGL's decommission but was unable to keep up with the maintenance and after the windy ocean environment took a toll on the site, the BLM intentionally burned down the wooden structures of the station. The concrete lighthouse and oil house were all that remained when the site was listed in the National Registry of Historic Places in 1976.

The BLM plans to stabilize the lighthouse site, repair the remaining structures, and rebuild former structures between June 1, 2022 and October 1, 2022 on up to 122 days of work. The lighthouse is located along the Lost Coast Trail, which extends from the Mattole River to Shelter Cove, California, covering approximately 40 kilometers (km) (24.8 miles (mi)).The BLM will access the PGL by traveling along the coast from the north, originating at either the Windy Point Trailhead or the Trailhead at the Mattole Campground.

A detailed description of the planned construction activities at the PGL is provided in the **Federal Register** notice of the proposed IHA (87 FR 24517; April 26, 2022). Since that time, no changes have been made to the project activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specified activities. Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting sections).

Comments and Responses

A notice of NMFS' proposal to issue an IHA to the BLM was published in the **Federal Register** on April 26, 2022 (87 FR 24517). That notice described, in

detail, the BLM's activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period.

During the public comment period, NMFS received no public comments.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, incorporated here by reference, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species).*

Table 1 lists all species or stocks for which take is expected and authorized for the BLM's activities, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Pacific and Alaska SARs. All values presented in Table 1 are the most recent available at the time of publication and are available in the 2020 SARs (Carretta *et al.,* 2021; Muto *et al.,* 2021) and draft 2021 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Steller Sea Lion	*Eumetopias jubatus*	Eastern U.S	-, -, N	43,201 (see SAR, 43,201, 2017)	2,592	112
California Sea Lion	*Zalophus californianus*	U.S	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>320
Family Phocidae (earless seals):						
Northern Elephant Seal	*Mirounga angustirostris*	California Breeding	-, -, N	187,386 (N/A, 85,369, 2013)	5,122	13.7
Harbor Seal	*Phoca vitulina*	California	-, -, N	30,968 (N/A, 27,348, 2012)	1,641	43

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

As indicated above, all four species (with four managed stocks) in Table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur.

A detailed description of the species likely to be affected by the BLM's activities, including information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHAs (87 FR 24517; April 26, 2022). Since that time, we are not aware of any changes in this information or the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for those descriptions. Please also refer to NMFS's website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

Acoustic and visual stimuli generated by personnel working at the PGL and traversing the beach to access the work site, noise from construction equipment operating at the PGL, and helicopters hovering over the site to transport equipment and supplies may have the potential to cause behavioral disturbance (Level B harassment) of marine mammals in the vicinity of the project area. The **Federal Register** notice of proposed IHA (87 FR 24517; April 26, 2022) included a discussion of the effects of anthropogenic activity on marine mammals and their habitat. That information and analysis is incorporated by reference into the final determination for the IHA and is not repeated here; please refer to the notice of proposed IHA (87 FR 24517; April 26, 2022).

The Estimated Take section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis

and Determination section considers the content of this section, the Estimated Take section, and the Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to construction personnel and equipment, including helicopters used to transport materials. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized. For the BLM's planned activities, behavioral (Level B) harassment is limited to movement and flushing, defined by the disturbance scale of pinniped responses to in-air sources to determine take.

The presence of construction personnel may have the potential to cause Level B harassment of marine mammals hauled-out at the PGL and along the planned access routes. Disturbance includes a variety of effects, from subtle to conspicuous changes in behavior, movement, and displacement. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of the BLM's construction personnel (*e.g.,* turning the head, assuming a more upright posture) to flushing from the haulout site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than two body lengths or longer, or if already moving, a change of direction of greater than 90 degrees in response to the disturbance, or pinnipeds that flush into the water, are behaviorally harassed, and thus considered incidentally taken by Level B harassment. NMFS uses a 3-point scale (Table 2) to determine which disturbance reactions constitute take under the MMPA. Levels 2 and 3 (movement and flush) are considered take, whereas level 1 (alert) is not. Animals that respond to the presence of BLM personnel by becoming alert, but do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment.

TABLE 2—DISTURBANCE SCALE OF PINNIPED RESPONSES TO IN-AIR SOURCES TO DETERMINE TAKE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2*	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3*	Flush	All retreats (flushes) to the water.

*Only Levels 2 and 3 are considered take under the MMPA, whereas Level 1 is not.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are calculated.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information, that will inform the take calculations.

Researchers from Humboldt State University (HSU) regularly conduct census counts of pinnipeds at the PGL and surrounding areas along the northern California coast (*e.g.,* Goley *et al.,* 2021). Counts of northern elephant seals and harbor seals at the PGL during the effective dates of the IHA (June 1 through October 1) are presented below.

TABLE 3—NORTHERN ELEPHANT SEAL CENSUS COUNTS

2019 Counts		2020 Counts	
Date	Number of seals observed	Date	Number of seals observed
June 8	101	June 4	177
June 15	74	June 11	83
June 23	34	June 14	80
July 7	40	June 24	37
July 14	50	June 27	38
July 21	54	July 4	36
August 3	39	July 12	39
August 21	44	July 16	38
August 31	62	July 24	36

TABLE 3—NORTHERN ELEPHANT SEAL CENSUS COUNTS—Continued

2019 Counts		2020 Counts	
Date	Number of seals observed	Date	Number of seals observed
September 15	162	July 30	38
September 27	244	August 6	32
		August 9	28
		August 13	28
		August 20	27
		August 27	33
		August 30	48
		September 5	60
		September 19	133
		September 27	177

The average daily count of elephant seals at the PGL during the effective dates of the IHA (June 1 through October 1) was 82.2 in 2019 and 61.5 in 2020. Across both years, the average daily count was 69.1 elephant seals (Goley *et al.,* 2021). A large portion of the elephant seals present at the PGL are uniquely tagged and dye stamped to identify individuals, and the same individuals were identified at the PGL haulout on multiple days.

TABLE 4—HARBOR SEAL CENSUS COUNTS

2019 Counts		2020 Counts	
Date	Number of seals observed	Date	Number of seals observed
June 8	51	June 14	55
June 15	107	June 27	77
June 23	81	July 12	90
July 7	116	July 24	123
July 14	180	August 9	73
July 21	123	August 30	36
August 3	105	September 5	38
August 21	80	September 19	51
August 31	22	September 27	53
September 15	22		
September 27	28		

The average daily count of harbor seals at the PGL during the effective dates of the IHA (June 1 through October 1) was 83.2 in 2019 and 66.2 in 2020. Across both years, the average daily count was 75.55 harbor seals (Goley *et al.,* 2021). The harbor seals present at the PGL are not tagged or otherwise clearly identifiable, but since harbor seals typically show high philopatry (*e.g.,* Waring *et al.,* 2016; Wood *et al.,* 2011), researchers from HSU hypothesize that the harbor seal colony at the PGL is made up of the same individuals that move between Punta Gorda and other nearby haulouts.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and has been authorized.

To estimate the total number of northern elephant seals and harbor seals that may be present at the PGL and subject to behavioral disturbance from the PGL stabilization project, the BLM multiplied the daily count of each species averaged across the two years of census data (69.1 elephant seals and 75.55 harbor seals) by the maximum days of work at the PGL (122 days), for a total estimate of 8,431 northern elephant seals and 9,218 harbor seals taken by Level B harassment. This estimation assumes that all animals present would exhibit behavioral responses that are considered take (Levels 2 and 3 as described in Table 2). As described above, many of the seals present at the PGL are suspected or confirmed to be present across multiple days. Therefore, the above estimated take numbers are considered to represent instances of take, not necessarily the number of individual seals that may be taken.

California sea lions and Steller sea lions have not been observed hauled-out at the PGL, but have been observed in the water near the PGL and at nearby haulouts along the Lost Coast Trail. The BLM assumes that no more than 5 individual California sea lions and Steller sea lions may haul-out at the PGL or along the access route and be taken by Level B harassment.

TABLE 5—AUTHORIZED TAKE BY LEVEL B HARASSMENT BY SPECIES AND PERCENTAGE OF EACH STOCK AFFECTED

Species	Stock	Authorized take by Level B harassment	Stock abundance	Percent of stock
Northern elephant seal	California breeding	[a] 8,431	187,386	4.5

TABLE 5—AUTHORIZED TAKE BY LEVEL B HARASSMENT BY SPECIES AND PERCENTAGE OF EACH STOCK AFFECTED—Continued

Species	Stock	Authorized take by Level B harassment	Stock abundance	Percent of stock
Pacific harbor seal	California	[a] 9,218	30,968	29.8
California sea lion	U.S	5	257,606	<0.01
Steller sea lion	Eastern U.S	5	43,201	0.01

[a] The authorized take represents the estimated number of instances of take, which does not necessarily equate to the number of individuals that may be taken.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The following mitigation measures are required:

The work season has been planned to reduce the level of impact on elephant and harbor seals. The effective dates of the IHA (June 1, 2022 through October 1, 2022) occurs when the elephant seal population is at its lowest and any harbor seal pups that may be on site would be old enough to be self-sufficient if the colony temporarily flushes into the water. No elephant seal pups will be present during the work season.

Whenever possible, the BLM must utilize the access route that begins at the Windy Point Trailhead, rather than the route that begins at the Mattole Campground, as that route requires a longer stretch of driving on the beach or marine terrace (approximately 5 km (3.1 mi)) where harbor seals are more likely to be hauled-out. The preferred route from the Windy Point Trailhead requires only 1.25 km (0.78 mi) of driving on the beach and marine terrace. Utilizing the access route with the shortest amount of driving on the beach and marine terrace is expected to reduce the number of marine mammals that may be encountered and disturbed along the access route and minimize the impact of the vehicles on marine mammal habitat.

To the extent possible, the BLM must limit the daily number of vehicle trips between the project area and the contractor's offshore camp where additional tools and supplies would be stored in trailers or other storage containers. Additionally, to the extent possible, the BLM must utilize helicopters to deliver construction equipment to the PGL work site to reduce the number of vehicle trips that would be necessary to conduct the planned activities.

While accessing the project site, at least one trained protected species observer (PSO) must monitor ahead of the vehicle(s) path, using binoculars if necessary, to detect any marine mammals prior to approach to determine if mitigation (*e.g.,* change of course, slow down) is required. Vehicles must not approach within 20 m (65.6 ft) of marine mammals. If animals remain in the access path with no possible route to go around and maintain 20 m (65.6 ft) separation, personnel may exit the vehicle(s) to walk toward animals and intentionally flush them into the water to allow the vehicle(s) to proceed. To the extent possible, if multiple vehicles are traveling to the site, they must travel in a convoy such that animals are not potentially harassed more than once while the vehicles pass.

A fence must be erected to keep elephant seals from entering the construction area to limit disturbance and prevent accidental injury from vehicles and construction debris.

All helicopters associated with the project must slowly approach the work site and allow all marine mammals present to flush into the water before setting any hauled materials down on the ground.

The BLM must cease or delay visits to the project site if a species for which the number of takes that have been authorized for a species are met, or if a species for which takes were not authorized, is observed (*e.g.,* northern fur seals (*Callorhinus ursinus*) or Guadalupe fur seals (*Arctocephalus townsendi*)).

The BLM must monitor for offshore predators and must not approach hauled-out pinnipeds if great white sharks (*Carcharodon carcharias*) or killer whales (*Orcinus orca*) are observed. If the BLM and/or its designees see pinniped predators in the area, they must not disturb the pinnipeds until the area is free of predators.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the required mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the

MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring

At least one NMFS-approved PSO must travel to and from the construction site ahead of the work crew each day and serve as a lead monitor to record incidental take. PSOs will consist of BLM wildlife biologists, biological technicians, and interns, as well as King Range National Conservation Area staff. At least one PSO must monitor the beach surrounding the PGL during all construction activities.

PSOs must be approved by NMFS prior to beginning any activity subject to the IHA. PSOs must have the following qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

PSOs must record the following information for each day of work:

- Date, time, and access route of each visit to the work site;
- Information on the weather, including tidal state and estimated horizontal visibility;
- Composition of marine mammals observed, such as species, sex, and life history stage (*e.g.,* adult, sub-adult, pup);
- The numbers (by species) of marine mammals observed during the activities;
- Estimated number of marine mammals (by species) that may have been harassed during the activities;
- Marine mammal disturbances according to a three-point scale of intensity (see Table 2);
- Behavioral responses or modifications of behaviors that may be attributed to the specific activities, a description of the specific activities occurring during that time (*e.g.,* pedestrian, vehicle, or helicopter approach), and any mitigation action taken; and
- If applicable, note the presence of any offshore predators (date, time, number, and species) and any mitigation action taken.

Reporting

The BLM must report all observations of marked or tag-bearing pinnipeds or carcasses and unusual behaviors, distributions, or numbers of pinnipeds to the NMFS West Coast Regional Office.

A draft marine mammal monitoring report must be submitted to NMFS within 90 days after the completion of each work season, or 60 days prior to the requested issuance date of any future IHAs for projects at the same location, whichever comes first. A final report must be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS. If no comments are received from NMFS on the draft report, the draft report will be considered the final report. All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Fowler@noaa.gov.*

In addition to raw sightings data, the report must include:

- A summary of the dates, times, site access route, and weather during all construction activities;
- The numbers (by species) of marine mammals observed during the activities, by age and sex, if possible;
- The estimated number of marine mammals (by species) that may have been harassed during the activities based on the three-point disturbance scale (Table 2);
- Any behavioral responses or modifications of behaviors that may be attributed to the specific activities (*e.g.,* flushing into the water, becoming alert and moving, rafting); and
- A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

Reporting Injured or Dead Marine Mammals

In the event that the BLM or any other personnel involved in the activities discover an injured or dead marine mammal, the BLM must report the incident to the Office of Protected Resources (OPR) (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.Fowler@noaa.gov*), NMFS (301–427–8401) and to the West Coast Regional Stranding Coordinator (866–767–6114) as soon as feasible. If the death or injury was clearly caused by the specified activity, the BLM must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The BLM must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in Table 5, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity. Activities associated with the PGL stabilization project, as described previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment (behavioral disturbance) from in-air sounds and visual disturbance. Potential takes could occur if individual marine mammals are present nearby when activity is happening.

No injuries or mortalities are anticipated to occur as a result of the PGL stabilization project and none are authorized. The risk of marine mammal injury, serious injury, or mortality associated with the planned construction project increases somewhat if disturbances occur during pupping season. These situations present increased potential for mothers and dependent pups to become separated and, if separated pairs do not quickly reunite, the risk of mortality to pups (*e.g.,* through starvation) may increase. Separately, adult male elephant seals may trample elephant seal pups if disturbed, which could potentially result in the injury, serious injury, or mortality of the pups. However, the planned activities will occur outside of the elephant seal pupping season, therefore no elephant seal pups are expected to be present. Although the timing of the planned activities partially overlaps with harbor seal pupping season, the PGL is not a harbor seal rookery and few pups are anticipated to be encountered during the planned activities. Harbor seals are very precocious with only a short period of time in which separation of a mother from a pup could occur. The planned activities will occur late enough in the pupping season that any harbor seal pups present will likely be old enough to keep up with their mother in unlikely event of a stampede or other flushing event. The required mitigation measures (*i.e.,* minimum separation distance, slow approaches, and minimizing vehicle trips to the PGL) generally preclude the possibility of behaviors, such as stampeding, that could result in extended separation of mothers and dependent pups or trampling of pups.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as alerts or movements away from the lighthouse structure, including flushing into the water. Most likely, individuals will simply move away from the acoustic or visual stimulus and be temporarily displaced from the areas.

Monitoring reports from similar activities (*e.g.,* Point Blue Conservation Science, 2020; University of California Santa Cruz Partnership for Interdisciplinary Studies of Coastal Oceans, 2021) have reported no apparently consequential behavioral reactions or long-term effects on marine mammal populations as noted above. Repeated exposures of individuals to relatively low levels of sound and visual disturbance outside of preferred habitat areas are unlikely to significantly disrupt critical behaviors or result in permanent abandonment of the haulout site. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein and, if sound and visual disturbance produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring.

Of the marine mammal species anticipated to occur in the planned activity areas, none are listed under the ESA and there are no known areas of biological importance in the project area. Taking into account the planned mitigation measures, effects to marine mammals are generally expected to be restricted to short-term changes in behavior or temporary displacement from haulout sites. The Lost Coast area has abundant haulout areas for pinnipeds to temporarily relocate, and marine mammals are expected to return to the area shortly after activities cease. No adverse effects to prey species are anticipated as no work would occur in-water, and habitat impacts are limited and highly localized, consisting of construction work at the existing lighthouse station and the transit of vehicles and equipment along the access route. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required mitigation and monitoring measures, NMFS finds that the total marine mammal take from the BLM's PGL stabilization project will not adversely affect annual rates of recruitment or survival and, therefore, will have a negligible impact on the affected species or stocks.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not

expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury, mortality, or Level A harassment is anticipated or authorized;
- Few pups are expected to be disturbed, and would not be abandoned or otherwise harmed by other seals flushing from the area;
- Effects of the activities would be limited to short-term, localized behavioral changes;
- Marine mammals are expected to return to normal behavior during gaps in construction activity such that any behavioral effects of repeated exposures are not expected to negatively affect survival or reproductive success of any individuals or stock;
- Nominal impacts to pinniped habitat are anticipated;
- No biologically important areas have been identified in the project area;
- There is abundant suitable habitat nearby for marine mammals to temporarily relocate; and
- Mitigation measures are anticipated to be effective in minimizing the number and severity of takes by Level B harassment, which are expected to be of short duration.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the BLM's planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS has authorized is below one-third of the estimated stock abundance of all species (in fact, take of individuals is less than 5 percent of the abundance of all of the affected stocks except Pacific harbor seals, see Table 5). This is likely a conservative estimate because it assumes all takes are of different individual animals, which is likely not the case. Using tags and dye stamps, researchers from HSU have identified individual northern elephant seals across several days of monitoring at the PGL. Although harbor seals observed at the PGL are not typically tagged or marked, HSU researchers suggest that the harbor seals seen hauled-out at the PGL are likely the same individuals that move between Punta Gorda and other nearby haulouts. Therefore, many individuals that may be taken by Level B harassment are likely to be the same across consecutive days, but PSOs would count them as separate takes across days.

Based on the analysis contained herein of the planned activity (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the West Coast Regional Office.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

As a result of these determinations, NMFS has issued an IHA to the BLM for conducting the PGL stabilization project in Humboldt County, California (effective from June 1, 2022 through October 1, 2022), with the previously discussed mitigation, monitoring, and reporting requirements incorporated.

Dated: June 2, 2022.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–12259 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC076]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 74 Post-Data Workshop Webinar II for Gulf of Mexico red snapper.

SUMMARY: The SEDAR 74 assessment of Gulf of Mexico red snapper will consist of a Data workshop, a series of assessment webinars, and a Review workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 74 Post-Data Workshop Webinar II will be held July 5, 2022, from 2 p.m. until 4 p.m. Eastern.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The item of discussion in the Post-Data Workshop Webinar II are as follows: Participants will review data for use in the assessment of Gulf of Mexico red snapper.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 2, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–12245 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0024 (Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before August 8, 2022.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0024 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Parikha Mehta, Legal Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3248; or by email at *parikha.mehta@uspto.gov* with ''0651–0024 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Patent applications that contain nucleotide and/or amino acid sequence disclosures meeting the definitions of 37 CFR 1.821(a) must include, as a separate part of the disclosure, a copy of the sequence listing in accordance with the requirements in 37 CFR 1.821–1.825. Applicants may submit sequence listings for both U.S. and international biotechnology patent applications. Submissions of sequence listings in international applications are governed by Patent Cooperation Treaty (PCT) Rules 5.2 and 13*ter,* as well as the PCT Administrative Instructions, Annex C.

The USPTO uses applicants' sequence listings during the examination process to determine the patentability of the claimed invention. The USPTO also uses sequence listings for publication of patent applications and issued patents. Sequence listings are publicly searchable after publication and/or issuance.

This information collection covers the submission of sequence listing information itself. Information pertaining to the initial filing of U.S. patent applications is collected under

OMB Control Number 0651–0032, and information pertaining to the initial filing of international applications is collected under OMB Control Number 0651–0021.

Sequence listings may be submitted via the Patent Electronic System as an ASCII text file or as a Portable Document Format (PDF) file. For U.S. applications, 37 CFR 1.821(c) permits all modes of submission: paper, read-only optical disc, or electronic filing via the Patent Electronic System. Sequence listings for international applications may only be submitted on paper or through the Patent Electronic System. Sequence listings that are too large to be filed electronically through the Patent Electronic System may be submitted on read-only optical disc.

This information collection also accounts for the requirement under 37 CFR 1.821(e) that a copy of the sequence listing required by 37 CFR 1.821(c) be submitted in computer readable form (CRF) in accordance with 37 CFR 1.824. Under 37 CFR 1.821(e)–(f), applicants who submit their sequence listings on paper, read-only optical disc, or as a PDF via the Patent Electronic System must submit a copy of the sequence listing in CRF with a statement indicating that the CRF copy of the sequence listing is identical to the paper, read-only optical disc, or PDF copy provided under 37 CFR 1.821(c). Applicants may submit the CRF copy of the sequence listing to the USPTO on read-only optical disc or other acceptable media as provided in 37 CFR 1.824. If a new application is filed via the Patent Electronic System with an ASCII text file sequence listing that complies with the requirements of 37 CFR 1.824(a)(2)–(6) and (b), and applicant has not filed a sequence listing on paper, read-only optical disc, or as a PDF file, the text file will serve as both the copy required by 37 CFR 1.821(c) and the CRF required by 37 CFR 1.821(e). Moreover, the associated statement regarding both copies being identical would not be required.

One item, Request for Transfer of a Computer Readable Form under 37 CFR 1.821(e), has been removed from this information collection. This item is no longer part of this information collection's process per a recent rulemaking (Electronic Submission of a Sequence Listing, a Large Table, or a Computer Program Listing Appendix in Patent Applications; 86 FR 57035, 10/14/2021).

II. Method of Collection

The items in this information collection may be submitted to the USPTO by mail, hand delivery, or electronic submission via the Patent Electronic System.

III. Data

OMB Control Number: 0651–0024.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 9,550 respondents.

Estimated Number of Annual Responses: 28,550 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 6 hours to complete. This includes the time to gather the necessary information, create the item, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 171,300 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $74,515,500.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time per response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Sequence Listing in Application.	9,500	3	28,500	6	171,000	$435	$74,385,000

[1] 2021 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–27. The USPTO uses the average billing rate for intellectual property attorneys in private firms which is $435 per hour. (*https://www.aipla.org/home/news-publications/economic-survey*).

TABLE 2—TOTAL BURDEN HOURS AND HOURLY COSTS TO INDIVIDUALS OR HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time per response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [2] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Sequence Listing in Application.	50	1	50	6	300	$435	$130,500

[2] Ibid.

Estimated Total Annual Respondent Non-hourly Cost Burden: $1,483,936. There are no maintenance costs, capital start-up costs, or recordkeeping costs associated with this information collection. However, the USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees and postage, is $1,483,936.

Filing Fees

In accordance with 35 U.S.C. 41(a)(1)(G), the USPTO charges a fee for submitting a sequence listing as part of a U.S. patent application or as part of an international patent application entering the U.S. national stage if the sequence listing (i) is not filed via the Patent Electronic System or on an electronic medium in compliance with 37 CFR 1.52(e) and 1.821(c) or (e), and (ii) causes the application to exceed 100 pages. See 37 CFR 1.52(f).

Under 37 CFR 1.16(s) for U.S. patent applications and 1.492(j) for international patent applications entering the national stage, if the patent application inclusive of sequence listings filed on paper or on a non-compliant electronic medium exceeds

100 pages, the application size fee is $420 (or $210 for small entities and $105 for micro entities) for each additional 50 pages or fraction thereof. The average length of a sequence listing filed on paper or in PDF format is 150 pages, which results in an average total size fee of $1,260 ($630 for small entities, $315 for micro entities) for applications that are 100 pages long prior to adding the sequence listing.

As a Receiving Office under the Patent Cooperation Treaty, the USPTO collects a basic international filing fee for each international application it receives. The basic international filing fee only covers the first 30 pages of the international application. For each additional application page in excess of 30, a size fee of $16 is added to the basic international filing fee. The average length of a sequence listing in an international application filed on paper or in PDF format is 150 pages. As a result, a paper- or PDF-filed international application including a sequence listing incurs an estimated $2,400 size fee when the application already includes 30 pages prior to adding the sequence listing.

The USPTO charges a fee for the handling of mega sequence listings. There are two tiers of fees related to differenent sequence listing sizes: one tier for file sizes between 300 MB and 800 MB and one tier for file sizes greater than 800 MB.

The USPTO also charges a Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* to encourage timely filing of sequence listings in international applications and to facilitate the effective administration of the patent system.

TABLE 3—FILING FEES

Item No.	Item	Estimated annual responses (a)	Filing fee ($) (b)	Non-hourly cost burden (a) × (b) = (c)
1	Size fees under 37 CFR 1.16(s) and 1.492(j), undiscounted entity	130	$1,260	$163,800
1	Size fees under 37 CFR 1.16(s) and 1.492(j), small entity	65	630	40,950
1	Size fees under 37 CFR 1.16(s) and 1.492(j), micro entity	25	315	7,875
1	Size fees for international applications	420	2,400	1,008,000
1	Submission of sequence listings of 300 MB to 800 MB (undiscounted entity)	30	1,060	31,800
1	Submission of sequence listings of 300 MB to 800 MB (small entity)	30	530	15,900
1	Submission of sequence listings of 300 MB to 800 MB (micro entity)	10	265	2,650
1	Submission of sequence listings of more than 800 MB (undiscounted entity)	2	10,500	21,000
1	Submission of sequence listings of more than 800 MB (small entity)	1	5,250	5,250
1	Submission of sequence listings of more than 800 MB (micro entity)	1	2,625	2,625
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (undiscounted entity).	215	320	68,800
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (small entity).	700	160	112,000
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (micro entity).	8	80	640
	Total			1,481,290

Postage

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be $9.25. The USPTO estimates that 1% sequence listings will be submitted in the mail resulting in 286 mailing submissions . Therefore, the USPTO estimates the total mailing costs for this information collection at $2,646.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Adminstrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–12138 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0057]

Events for the Artificial Intelligence and Emerging Technologies Partnership

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of meetings.

SUMMARY: The United States Patent and Trademark Office (USPTO) is focused on incentivizing more innovation,

inclusively and in key technology areas such as artificial intelligence (AI) and other emerging technologies (ET) (*e.g.,* quantum computing, synthetic biology, blockchain, precision medicine, and virtual reality), protecting that innovation and bringing it to impact to enhance our country's economic prosperity and national security and to solve world problems. In recent years, the USPTO has actively engaged its stakeholders regarding AI/ET. The USPTO has promoted the importance of intellectual property (IP) rights as an incentive to foster and protect innovation in these critical areas. To expand and scale these efforts, the USPTO seeks to form a partnership (AI/ET Partnership) with the AI and ET communities, including, for example, academia, independent inventors, small businesses, industry, other government agencies, nonprofits, and civil society. The AI/ET Partnership will provide an opportunity to bring stakeholders together through a series of engagements to share ideas, feedback, experiences, and insights on the intersection of IP and AI/ET. Through this notice, the USPTO announces a series of meetings exploring AI/ET-related initiatives at the USPTO and IP policy issues impacted by AI and other ET.

FOR FURTHER INFORMATION CONTACT: Matthew Sked, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7627. You can also send inquiries to *AIPartnership@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the AI/ET Efforts at the USPTO: While AI has the potential to provide tremendous societal and economic benefits and foster a new wave of innovation and creativity, the USPTO recognizes it poses novel challenges and opportunities for IP policy. To this end, in January 2019, the USPTO hosted a conference regarding the IP policy considerations of AI. The event consisted of six panels of IP specialists from around the world discussing the impact of AI in such areas as patents, trade secrets, trademarks, and copyright. Recordings of the event are available at *www.uspto.gov/about-us/events/artificial-intelligence-intellectual-property-policy-considerations.*

Continuing its outreach to stakeholders, the USPTO issued a request for public comments in August 2019 on patenting AI inventions. Particularly, the notice sought comments on various patent policy issues, such as AI's impact on inventorship, subject matter eligibility, written descriptions, enablement, and the level of ordinary skill in the art. 84 FR 44889. In October 2019, the USPTO issued a second request for comments on additional IP policy and AI topics, such as copyright, trademarks, data protections, and trade secret law. 84 FR 58141. The USPTO received numerous comments on both notices from a wide range of stakeholders, including individuals, associations, corporations, law firms, academics, and foreign IP offices. The requests for comments and the public comments received are available at *www.uspto.gov/initiatives/artificial-intelligence/artificial-intelligence-reports.*

In response to the public comments, the USPTO published a report titled ''Public Views on Artificial Intelligence and Intellectual Property Policy'' in October 2020. The report takes a comprehensive look at a wide variety of stakeholder views on the impact of AI across the IP landscape and provides AI context, legal background, and public comment synthesis for each of the questions presented in the two requests for comments. The USPTO has used the report to focus on issues for continued exploration and stakeholder engagement to bolster the understanding and reliability of IP rights for AI and other ET. The full report is available at *www.uspto.gov/sites/default/files/documents/USPTO_AI-Report_2020-10-07.pdf.*

Also in October 2020, the USPTO issued a report titled ''Inventing AI: Tracing the diffusion of artificial intelligence with U.S. patents.'' This report sought to gauge the volume and potential impact of AI innovation through patent data. The report found that AI is increasingly important for invention, and it diffuses broadly across technologies, inventor-patentees, organizations, and geography. Particularly, AI patent applications increased by more than 100% from 2002–2018 and spread to over 42% of all technology subclasses by 2018. The full report is available at *www.uspto.gov/sites/default/files/documents/OCE-DH-AI.pdf.* The AI patent dataset that was the basis of the report is also available to the public at *www.uspto.gov/ip-policy/economic-research/research-datasets/artificial-intelligence-patent-dataset.* This novel dataset can help researchers, policymakers, and the public explore the growing role of AI in invention.

More recently, in July 2021, in response to a request by Senators Thom Tillis, Tom Cotton, Mazie Hirono, and Chris Coons, the USPTO published a request for information to solicit views from stakeholders on the impact of the current state of patent subject matter eligibility jurisprudence on investment and innovation in critical technologies. 86 FR 36257. These critical technologies include quantum computing, AI, precision medicine, diagnostic methods, and pharmaceutical treatments. The USPTO will use the comments received in response to this request as the basis for a report to Congress on the topic. The request for information and the public comments received are available at *www.regulations.gov/docket/PTO-P-2021-0032/document.*

In addition, the USPTO recently hosted several events regarding AI and ET. In April 2021, for example, the USPTO held a virtual AI and ET small business event to foster collaboration, networking, and business partnerships in the AI and ET space. Additionally, in October 2021, the USPTO hosted a joint conference with the U.S. Copyright Office titled ''Copyright law and machine learning for AI: where are we and where are we going?,'' which explored existing copyright laws and policies as they apply to machine learning, as well as potential alternative solutions in this space.

These engagements support and align with the National AI Initiative Act of 2020, which became law on January 1, 2021. The purpose of the National AI Initiative is to ensure continued U.S. leadership in AI research and development and the use of trustworthy AI systems in the public and private sectors; prepare the present and future U.S. workforce for the integration of AI systems across all sectors of the economy and society; and coordinate ongoing AI research, development, and demonstrations among the civilian agencies, the Department of Defense, and the Intelligence Community to ensure that each informs the work of the others. To continue its support for the National AI Initiative, the USPTO is creating a partnership with the AI/ET community, including, for example, academia, independent inventors, small businesses, industry, other government agencies, nonprofits, and civil society.

II. Formation of the AI/ET Partnership: To build on its previous efforts to encourage innovation, creativity, and entrepreneurship in AI and other ET and promote predictable and reliable IP rights for these technologies, the USPTO announces the formation of the AI/ET Partnership. The AI/ET Partnership will be an ongoing, cooperative effort between the USPTO and the AI/ET community to explore various issues resulting from the intersection of ET, including AI, and IP policy. In particular, the USPTO seeks to engage the AI/ET community on ongoing and future AI/ET efforts at the USPTO to promote greater awareness,

openness, and inclusivity. These efforts include the USPTO's use of AI and ET within the agency to further its goals of enhancing the quality and efficiency of patent and trademark examination. Additionally, the USPTO seeks to better understand the public's views on the IP policy issues that uniquely affect the AI/ET community to help inform the USPTO's future work in the AI/ET IP policy space. The AI/ET Partnership will commence with a series of meetings exploring AI/ET-related initiatives at the USPTO and IP policy issues impacted by AI and other ET. Further information on the AI/ET Partnership, future events, and participation in these events is available on the AI/ET Partnership web page at *www.uspto.gov/aipartnership.*

III. AI/ET Meeting Series: The AI/ET Partnership will begin with a series of virtual events. The inaugural event will explore various patent policy issues including subject matter eligibility, inventorship, and disclosure practice. Future events will engage stakeholders on other IP policy issues and USPTO efforts in the AI/ET space.

The USPTO will hold the inaugural Partnership meeting virtually on June 29, 2022, from 1:00 p.m. to 4:45 p.m. ET. For registration and further information on the AI/ET Partnership series, please visit the AI/ET Partnership web page at *www.uspto.gov/aipartnership.*

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–12139 Filed 6–6–22; 8:45 am]

BILLING CODE 3510–16–P

INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

[DFC–012]

Submission for OMB Review; Comments Request

AGENCY: U.S. International Development Finance Corporation (DFC).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency renewing an existing previously approved information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received by August 8, 2022.

ADDRESSES: Comments and requests for copies of the subject information collection may be sent by any of the following methods:

- *Mail:* Deborah Papadopoulos, Agency Submitting Officer, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527.
- *Email: fedreg@dfc.gov.*

Instructions: All submissions received must include the agency name and agency form number or OMB form number for this information collection. Electronic submissions must include the agency form number in the subject line to ensure proper routing. Please note that all written comments received in response to this notice will be considered public records.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Deborah Papadopoulos, (202) 357–3979.

SUPPLEMENTARY INFORMATION: This notice informs the public that DFC will submit to OMB a request for approval of the following information collection.

Summary Form Under Review

Title of Collection: Economic Questionnaire.

Type of Review: Extension without change of a currently approved information collection.

Agency Form Number: DFC–012.

OMB Form Number: 3015–0001.

Frequency: Per request of investor.

Affected Public: Business or other for-profit.

Total Estimated Number of Annual Number of Respondents: 20.

Estimated Time per Respondent: 0.5 hours.

Total Estimated Number of Annual Burden Hours: 10 hours.

Abstract: The DFC Economic Questionnaire is provided to DFC investors to complete information for planned revenues and exports of goods. The resulting answers determine the sector of analysis to assess risk to the U.S. economy of DFC support for a project.

Dated: June 1, 2022.

Nichole Skoyles,

Administrative Counsel, Office of the General Counsel.

[FR Doc. 2022–12149 Filed 6–6–22; 8:45 am]

BILLING CODE 3210–01–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

Notice of Cancellation of public hearing

AGENCY: U.S. International Development Finance Corporation.

ACTION: Cancellation of public hearing.

SUMMARY: The June 8, 2022, Public Hearing of the DFC Board of Directors has been cancelled and will be rescheduled.

FOR FURTHER INFORMATION CONTACT: Catherine F.I. Andrade, DFC Corporate Secretary, (202) 336–8768, or *candrade@dfc.gov.*

SUPPLEMENTARY INFORMATION: DFC published notice of its June 8, 2022 Public Hearing of the Board of Directors in the **Federal Register** volume 87, page 26741 on May 5, 2022. This hearing is cancelled due to scheduling conflicts. The public will be notified when the public hearing is rescheduled.

Authority: 22 U.S.C. 9613(c).

Catherine F.I. Andrade,

DFC Corporate Secretary.

[FR Doc. 2022–12196 Filed 6–6–22; 8:45 am]

BILLING CODE 3210–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—U.S. Strategic Command Strategic Advisory Board

AGENCY: Department of Defense (DoD).

ACTION: Charter and Membership Balance Plan renewal of Federal advisory committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the Charter and Membership Balance Plan of the U.S. Strategic Command Strategic Advisory Group (SAG).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The SAG's charter is being renewed pursuant to 10 U.S.C. 1781a and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 CFR 102–3.50(a). The charter and contact information for the SAG's Designated Federal Officer (DFO) are found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The SAG provides the Secretary of Defense independent advice and

recommendations on matters concerning defense policy. Specifically, the SAG will focus on: (a) technical, intelligence, and policy-related matters of interest to the Joint Chiefs of Staff and the U.S. Strategic Command (USSTRATCOM) concerning the development and implementation of the Nation's strategic war plans; (b) enhancements in USSTRATCOM's mission area responsibilities; and (c) other matters related to the Nation's strategic forces, as requested by the Chairman of the Joint Chiefs of Staff or the Commander, USSTRATCOM.

The SAG is composed of no more than 20 members who have distinguished backgrounds in the fields of strategic policy formulation; nuclear weapon design; national command, control, communications, intelligence, and information operations; or other important aspects of the Nation's strategic forces. These members will come from varied backgrounds including prior government or military service, multinational corporations, academia, or other non-government organizations. Individual members will be appointed according to DoD policy and procedures, and serve a term of service of one-to-four years with annual renewals. One member will be appointed as Chair of the SAG. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the SAG, or serve on more than two DoD Federal advisory committees at one time.

Members of the SAG who are not full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. SAG members who are full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, will be appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members.

All members of the SAG are appointed to provide advice based on their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official SAG-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements to the SAG membership about the SAG's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the SAG. All written statements shall be submitted to the DFO for the SAG, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 31, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12166 Filed 6–6–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Supplemental Environmental Impact Statement to the 1995 Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed Flood Risk Management Project Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), is announcing its intent to prepare a Supplemental Environmental Impact Statement (SEIS) to re-evaluate impacts associated with the Amite River and Tributaries (ART), Louisiana, East Baton Rouge (EBR) Watershed Flood Risk Management Project (EBR FRM) in East Baton Rouge Parish, Louisiana. The EBR FRM project was previously studied in the July 1995 ART, Louisiana, EBR Parish Watershed Flood Risk Management Project Feasibility Study and EIS. Since the initial 1995 impact assessment was conducted, the project area has transitioned from a rural setting with large amounts of undeveloped land, to a more densely populated urban setting containing subdivisions, buildings, and roadways with greater runoff of water during storm events. Due to these changed conditions, the proposed work in these waterways will be designed to convey flows that occur during more frequent but less intense storm events, compared to the storm events that were considered in the original plan addressed in the 1995 EIS. These factors lead to requiring a reassessment of environmental impacts.

ADDRESSES: U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDS–N, 7400 Leake Avenue, New Orleans, Louisiana 70118.

FOR FURTHER INFORMATION CONTACT: Questions and scoping comments regarding the proposed action should reference ''*East Baton Rouge Watershed Flood Control SEIS*'' and be directed to Mr. Jason A. Emery by mail at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDS–N, 7400 Leake Avenue, New Orleans, Louisiana 70118; by phone at (504) 862–2364; or by email at *mvnenvironmental@usace.army.mil.* For additional information, including but not limited to a copy of the 1995 EIS, and other associated documents, please visit the BBA18 Construction, East Baton Rouge Project website at: *https://www.mvn.usace.army.mil/About/Projects/BBA-2018/East-Baton-Rouge/.*

SUPPLEMENTARY INFORMATION:

1. Project Details. The EBR FRM Project is in southeast Louisiana situated across several sub-basins in East Baton Rouge Parish. The federal authorization is to reduce flooding along 5 sub-basins throughout the parish, including Jones Creek, Ward Creek, Bayou Fountain, Blackwater Bayou, and Beaver Bayou. This project consists of improvements to 50 miles of channels, including clearing and snagging, widening, and placement of riprap to reduce the risk of flood damages during storm events.

The EBR FRM Project within the Parish of East Baton Rouge, Louisiana was authorized by Section 101(21) of the Water Resources Development Act of 1999, Public Law 106–53, as modified by Division D, Section 116 of the Consolidated Appropriations Resolution of 2003, Public Law 108–7, and Section 3074 of the Water Resources Development Act of 2007, Public Law 110–114. The Bipartisan Budget Act of 2018, H. R. 1892—13, Title IV, Corps of Engineers—Civil, Department of the Army, Investigations, made funds available for the expenses related to the completion, or initiation and completion, of certain flood and storm damage reduction, including this project.

The EBR FRM project was originally evaluated in an EIS in July 1995. The evaluated plan consisted of approximately 25 miles of minimal clearing and snagging, 24 miles of earthen channel enlargement, and 17 miles of concrete lining of channels in 5 sub-basins across East Baton Rouge Parish. Recreation features consisted of the construction of 11 miles of bicycle paths on the Jones Creek basin, which would also include plantings of trees. Aesthetic mitigation features consisted of tree plantings or tree and shrub plantings along both sides of 29.4 miles

of waterways. Habitat mitigation was combined for the five basins and consisted of acquisition and reforesting of a total of 397 acres of open lands. The lands were proposed to be near existing parks, as practical, within the parish and would be managed as wooded parks.

The Bipartisan Budget Act of 2018, signed into law February 9, 2018, (BBA 2018, Public Law 115–123) funded design updates and construction of the EBR FRM Project. The project began pre-construction engineering and design (PED) phase in 2019 when CEMVN received the allocated funds. Due to changed conditions since completion of the study in 1995 (*i.e.,* increased development and completion of portions of the project by local governments) and additional level of design during PED, the project proposed actions have been refined. The proposed actions still meet project objectives to reduce the risk of flood damages caused by storm events, but the risk reduction will relate to less intense, more frequent storm events. The refinement of the proposed action has resulted in a less impactful project to the environment. The objective of the updated design is to minimize impacts to the developed areas while conveying the equivalent to the volume of flows evaluated in 1995. This is important because compared to the intensity of storm events that were considered and addressed in the original plan and 1995 EIS, the SEIS will evaluate proposed plans that consider the reduction of risk of damage arising from less intense storm events that occur more frequently.

Since the 1995 impact assessment was conducted, the project area has transitioned from a rural setting with large amounts of undeveloped land, to a more densely populated urban setting containing subdivisions, buildings, and roadways. Due to these changed conditions, the proposed work in these waterways will be designed to convey flows that are likely to occur more frequently during less intense storm events, compared to the storm events that were considered in the original plan addressed in the 1995 EIS. These factors lead to the need to re-evaluate the environmental impacts. The SEIS will address impacts associated with three channel improvement actions: the widening and clearing and snagging of Beaver Bayou; the widening and clearing and snagging of Blackwater Bayou and its Tributary; and the widening, clearing and snagging, and rip rap lining of Upper Jones Creek and Tributaries. The SEIS will also evaluate a no action alternative.

Project features not included in this SEIS include the clearing and snagging of Lower Jones, Lower Bayou Fountain and Lower Ward Creeks in EBR Parish, which were separately evaluated in Environmental Assessment (EA) #561 (EA #561) titled ''Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed Flood Risk Management Project. Clearing and Snagging of Lower Jones, Lower Bayou Fountain and Lower Ward Creeks'' in EBR Parish #561.FONSI: July 7, 2021. EA #561 can be found online at New Orleans District > Missions > Environmental > NEPA Compliance Documents > Bipartisan Budget Act 2018 (BBA 18) > East Baton Rouge Parish Flood Risk Reduction (*army.mil*).

Additionally, alternatives to compensate for anticipated and unavoidable impacts to 293 Annual Habitat Units of bottomland hardwood habitat associated with the construction of the 1995 authorized plan for the EBR Flood Risk Management project were evaluated under EA #576, titled ''Bipartisan Budget Act (BBA) Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion, and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation (EA #576). FONSI: April 13, 2020. EA #576 can be found online at *https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/*. The estimated habitat mitigation level for the EBR FRM project is being re-evaluated as a part of this SEIS to ensure CEMVN mitigates habitat impacts at the appropriate level.

2. Proposed Action. The EBR FRM project is intended to reduce flooding in East Baton Rouge Parish by improving 38.8 miles of channels in 5 sub-basins. The channel improvements, which are a part of this proposed action, include clearing and snagging, channel widening, and rip-rap lining in Beaver Bayou, Blackwater Bayou and its Tributary, and Upper Jones Creek and Tributaries.

Beaver Bayou: The proposed plan consists of 1.6 miles earthen channel enlargement and 6.4 miles of clearing and snagging.

Blackwater Bayou and its Tributary: The proposed plan consists of 4.1 miles earthen channel enlargement and 10.5 miles of clearing and snagging.

Upper Jones Creek and Tributaries Lively Bayou and Weiner Creek: The proposed plan consists of clearing and snagging approximately 11.9 miles of channel and placement of rip rap for 4.3 miles following channel widening.

The proposed improvements are designed to reduce the risk of flood damages caused by out of bank flooding during storm events.

This SEIS would provide an assessment of the proposed design alternatives for the various reaches. When unavoidable impacts occur, the CEMVN will offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended and by the Clean Water Act Section 404(b)(1) Guidelines.

3. Scoping. The CEMVN invites all affected federal, state, and local agencies, affected Native American Tribes, other interested parties, and the general public to participate in the National Environmental Policy Act (NEPA) process during development of the SEIS. The purpose of the public scoping process is to provide information to the public, narrow the scope of analysis to significant environmental issues, serve as a mechanism to solicit agency and public input on alternatives and issues of concern, and ensure full and open participation in scoping for the draft SEIS. To ensure that all the issues related to the proposed plans for Beaver Bayou, Blackwater Bayou and its Tributary, and Upper Jones Creek and Tributaries are addressed, the CEMVN will conduct virtual public scoping meeting(s) to which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the draft SEIS. Project and public scoping meeting information, including information as to where, when, and how to participate and submit scoping comments as well as other opportunities for public involvement, will be available on CEMVN's website at: *https://www.mvn.usace.army.mil/About/Projects/BBA-2018/East-Baton-Rouge/*. Notification of virtual scoping meetings will also be available via press releases, special public notices, and on CEMVN's social media platforms, at a minimum.

4. Federal Authority. The SEIS will disclose the context and intensity of environmental impacts, including focusing the analysis on those effects that are reasonably foreseeable and that have a reasonably close causal relationship to the proposed action as required under the Council of Environmental Quality's (CEQ) NEPA regulations at 40 CFR parts 1500–1508 and the Department of the Army's (DA)

NEPA regulations at 33 CFR part 325, Appendix B. A reasonable range of alternatives will be determined and significant issues related to the proposed action will be identified during agency and public scoping.

The following agencies are being invited as Cooperating Agencies on the SEIS: Environmental Protection Agency (EPA), Department of the Interior's U.S. Fish and Wildlife Service (USFWS), U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), Advisory Council on Historic Preservation (ACHP), Louisiana's Historic Preservation Office (LA SHPO), and Louisiana's Department of Natural Resources (LA–DNR).

5. Alternatives. The SEIS will address a reasonable range of alternatives based on the proposed project's purpose and need and in view of its previous authorization. The SEIS will compare the proposed channel improvements of Beaver Bayou, Blackwater Bayou and Tributary, and Upper Jones Creek and Tributaries against the No Action Alternative (Future without the Project). The proposed project and the resulting analysis will be presented in the SEIS.

6. Potentially Significant Issues. The SEIS will analyze the potential impacts on the human and natural environment resulting from the proposed Project. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues to be evaluated in the SEIS could include, but are not limited to, the reasonably foreseeable effects on wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water quality; cultural resources; geology and soils; hydrology and hydraulics; air quality; marine mammals; threatened and endangered species and their critical habitats; navigation and navigable waters; induced flooding; employment and incomes; land use; property values; tax revenues; population and housing; community and regional growth; environmental justice; community cohesion; public services; recreation; transportation and traffic; utilities and community service systems; and cumulative effects of related projects in the study area.

7. Environmental Consultation and Review Authorizations. The proposed Action is being coordinated with federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, CEMVN will consult with the following agencies: USFWS under the Fish and Wildlife Coordination Act; USFWS under the Endangered Species Act; NMFS under the Magnuson-Stevens Fishery Conservation and Management Act; Louisiana Department of Environmental Quality for Water Quality Certification; and, the ACHP, Louisiana SHPO, and the appropriate Tribal Historic Preservation Officers under the National Historic Preservation Act and integrated NHPA/EIS process.

8. Availability. The draft SEIS is presently scheduled to be available for public review and comment in September 2022. A Final SEIS is tentatively scheduled for release in January 2023. All comments received throughout the review process will become part of the project file for the proposed Project and will be subject to public release.

Edward E. Belk, Jr.,

Programs Director, Mississippi Valley Division, U.S. Army Corps of Engineers.

[FR Doc. 2022–12211 Filed 6–6–22; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0077]

Agency Information Collection Activities; Comment Request; National Public Education Financial Survey (NPEFS) 2022–2024

AGENCY: Institute of Educational Science (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before August 8, 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–0077. 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 Team, 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: National Public Education Financial Survey (NPEFS) 2022–2024.

OMB Control Number: 1850–0067.

Type of Review: A revision of a currently approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 7,327.

Abstract: The National Public Education Financial Survey (NPEFS) is an annual collection of state-level finance data that has been included in

the National Center for Education Statistics (NCES) Common Core of Data (CCD) since FY 1982 (school year 1981–82). NPEFS provides function expenditures by salaries, benefits, purchased services, and supplies, and includes federal, state, and local revenues by source. The NPEFS collection includes data on all state-run schools from the 50 states, the District of Columbia, American Samoa, the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands. NPEFS data are used for a wide variety of purposes, including to calculate federal program allocations such as states' ''average per-pupil expenditure'' (SPPE) for elementary and secondary education, certain formula grant programs (*e.g.,* Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) as amended, Impact Aid, and Indian Education programs). Furthermore, in addition to using the SPPE data as general information on the financing of elementary and secondary education, the U.S. Department of Education Secretary uses these data directly in calculating allocations for certain formula grant programs, including, but not limited to, title I, part A, of the ESEA, Impact Aid, and Indian Education programs. Other programs, such as the Education for Homeless Children and Youth program under title VII of the McKinney-Vento Homeless Assistance Act, and the Student Support and Academic Enrichment Grants under title IV, part A of the ESEA make use of SPPE data indirectly because their formulas are based, in whole or in part, on State title I, part A, allocations.

NCES's request to conduct the annual collection of state-level finance data for FY 2019–2021 was approved by the Office of Management and Budget (OMB) in August 2019 (OMB #1850–0067 v.17), and subsequent submissions (OMB #1850–0067 v.18–22) addressed changes driven by the global coronavirus pandemic as well as normal changes to include updated contact materials and **Federal Register** Notices. In this package NCES requests approval of the collection of National Public Education Financial Survey (NPEFS) data covering fiscal years 2022 through 2024 (corresponding to school years 2021/22 through 2023/24), that will be carried out in 2023 through 2025.

This NPEFS FY 2022–2024 request involves changes to the last approved NPEFS data collection instrument (Appendix B.1) to: (1) Add new items to gather data on expenditures for specific sources of coronavirus (COVID–19) federal assistance funds; (2) remove items from the survey which ask for Title V, Part A expenditures; and (3) update headers to make the formatting more consistent for use in the NPEFS web application. This request also includes minor revisions to the Fiscal Data Plan (Appendix B.2) to provide definitions and clarify the questions related to the impact of COVID–19 on average daily attendance. Furthermore, we have updated the NPEFS reporting instructions (Appendix B.3) to add definitions for the new data items in Section 8 and remove the data items for Title V, Part A.

Dated: June 1, 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. 2022–12122 Filed 6–6–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0078]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Early Childhood Longitudinal Study, Kindergarten Class of 2023–24 (ECLS–K:2024) Kindergarten and First-Grade Field Test Data Collection, National Sampling, and National Recruitment

AGENCY: Institute of Educational 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 7, 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. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link. Comments may also be sent to *ICDocketmgr@ed.gov.*

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: Early Childhood Longitudinal Study, Kindergarten Class of 2023–24 (ECLS–K:2024) Kindergarten and First-Grade Field Test Data Collection, National Sampling, and National Recruitment.

OMB Control Number: 1850–0750.

Type of Review: A revision of a currently approved information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 20,895.

Total Estimated Number of Annual Burden Hours: 15,599.

Abstract: The Early Childhood Longitudinal Study (ECLS) program, conducted by the National Center for Education Statistics (NCES) within the Institute of Education Sciences (IES) of the U.S. Department of Education (ED), draws together information from multiple sources to provide rich, descriptive data on child development,

early learning, and school progress. The ECLS program studies deliver national data on children's status at birth and at various points thereafter; children's transitions to nonparental care, early care and education programs, and school; and children's experiences and growth through the elementary grades. The Early Childhood Longitudinal Study, Kindergarten Class of 2023–24 (ECLS–K:2024) is the fourth cohort in the series of early childhood longitudinal studies. The study will advance research in child development and early learning by providing a detailed and comprehensive source of current information on children's early learning and development, transitions into kindergarten and beyond, and progress through school. The ECLS–K:2024 will provide data about the population of children who will be kindergartners in the 2023–24 school year. Collecting parent data beginning in the fall of kindergarten will enable the study to measure influences on children's development before entry into formal schooling, including children's home environments and access to early care and education. The ECLS–K:2024 will focus on children's early school experiences continuing through the fifth grade, and will include collection of data from parents, teachers, and school administrators, as well as direct child assessments. The request to conduct a field test of the ECLS–K:2024 kindergarten and first-grade data collection activities to evaluate the design of the national study's kindergarten and first-grade surveys and child assessments, as well as the operational procedures (that is, sampling and recruitment) for the national kindergarten and first-grade data collections in the fall 2023, spring 2024, and spring 2025, was approved on February 15, 2022 (OMB# 1850–0750 v.24). Planned for August–November 2022, the ECLS–K:2024 K–1 field test will be followed by the fall (August–December 2023) and spring (March–July 2024) kindergarten national data collections, and the spring (March–July 2025) first-grade national data collection—all of which will be requested under later clearance submissions. This request is to update study respondent materials, web and paper surveys, and website designs that will be used in the K–1 field test data collection activities. The revisions in this package were made based on additional review after programming and testing the survey instruments and also incorporate changes based on teacher and parent focus group feedback (OMB# 1850–0803 v.309).

Dated: June 2, 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. 2022–12195 Filed 6–6–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, June 29, 2022; 9:00 a.m.–4:00 p.m. Thursday, June 30, 2022; 9:00 a.m.–4:00 p.m.

ADDRESSES: This hybrid meeting will be in-person at the Red Lion Hotel (address below) and virtually. To receive the virtual access information and call-in number, please contact the Federal Coordinator, Gary Younger, at the telephone number or email listed below at least (or no later than) five days prior to the meeting.

The meeting will be held, strictly following COVID–19 precautionary measures, at: Red Lion Hotel, 1101 N Columbia Center Boulevard, Kennewick, WA 99336.

FOR FURTHER INFORMATION CONTACT: Gary Younger, Federal Coordinator, U.S. Department of Energy, Hanford Office of Communications, Richland Operations Office, P.O. Box 550, Richland, WA 99354; Phone: (509) 372–0923; or Email: *gary.younger@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Tri-Party Agreement Agencies' Updates
- Board Subcommittee Reports
- Discussion of Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gary Younger at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or within five business days after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gary Younger. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available at the following website: *http://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signed in Washington, DC, on June 1, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–12098 Filed 6–6–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Science, Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before August 8, 2022. If you anticipate any difficulty in submitting comments within that period, contact listed in the **FOR FURTHER INFORMATION CONTACT** as soon as possible.

ADDRESSES: Written comments may be sent to: Courtney Bracey, Office of Information Management (SC–43), Office of Science, Department of Energy, GTN Building/E–180, 1000 Independence Avenue SW, Washington, DC 20585, Direct: (301) 903–1844. Or by email at *Courtney.Bracey@science.doe.gov.* (301) 903–1844.

FOR FURTHER INFORMATION CONTACT: Courtney Bracey, *Courtney.Bracey@science.doe.gov,* (301) 903–1844.

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.:* 1910–5178;

(2) *Information Collection Request Title:* Portfolio Analysis and Management System (PAMS);

(3) *Type of Review:* Extension;

(4) *Purpose:* This existing collection is based on the Health Resources and Services Administration (HRSA) Electronic Handbooks software. Discretionary financial assistance proposals continue to be collected using *Grants.gov* but are imported into PAMS for use by the program offices. Under the existing information collection, an external interface in PAMS allows two other types of proposal submission: DOE National Laboratories are able to submit proposals for technical work authorizations directly into PAMS, while other Federal agencies will be able to submit proposals for interagency awards directly into PAMS. External users from all institution types are able to submit Solicitation Letters of Intent and Pre-proposals directly into PAMS. All applicants, whether they submitted through *Grants.gov* or PAMS, are able to register with PAMS to view the proposals that were submitted. They also are able to maintain a minimal amount of information in their personal profile. The existing collection automates and streamlines the submission, tracking, and correspondence portions of financial award pre-review processes.

The information collected is used by DOE to select applicants and projects for financial awards;

(5) *Annual Estimated Number of Respondents:* The following numbers are calculated using the average of data received in fiscal year 2018 through fiscal year 2021. 7,278 PAMS new registrants, who are to include 11,829 submitters of lab proposals, interagency proposals, pre-proposals, and Letters of Intent (LOI) (assuming one person per estimated submission) and 20,395 reviewers of proposals submitted through *Grants.gov;*

(6) *Annual Estimated Number of Total Responses:* Annual Estimated Number of Total Responses: The Office of Science receives about 581 DOE National Laboratory and interagency proposals per year, based on an average number of submissions received for (fiscal year 2018 through fiscal year 2021) and about 7,087 pre-proposals and letters of intent per year, based on an average of the data collected between fiscal year 2018 and fiscal year 2021);

(7) *Annual Estimated Number of Burden Hours:* 68,330;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: Section 641 of the Department of Energy Organization Act, codified at 42 U.S.C. 7251.

Signing Authority

This document of the Department of Energy was signed on June 2, 2022, by Asmeret Asefaw Berhe, Director, Office of Science, 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 June 2, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–12237 Filed 6–6–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–462–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 24, 2022, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.213 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act. ANR requests authorization to abandon six (6) injection/withdrawal (I/W) wells, convert two (2) I/W wells to observation status and abandon eighteen (18) pipelines and appurtenant facilities located in the Austin Storage Field in Mecosta County, Michigan, (2022 Austin Wells Abandonment Project or Project).

ANR proposes to abandon and modify the facilities under ANR's blanket certificate issued in Docket No. CP82–480–000.[1] ANR says that the proposed abandonments and modifications will have no impact on ANR's existing customers or affect its existing storage operations. The estimated cost for the Project is approximately $4.7 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to David A. Alonzo, Manager Project Authorizations, ANR Pipeline Company, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, or by phone at 832–320–5477, or by email at *David_alonzo@tcenergy.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public

[1] See Michigan Wisconsin Pipe Line Company, 20 FERC ¶ 62,595 (1982).

[2] 18 CFR (Code of Federal Regulations) 157.9.

record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 1, 2022.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before August 1, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–462–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address below.[3] Your written comments must reference the Project docket number (CP22–462–000). Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[4] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [5] and the regulations under the NGA [6] by the intervention deadline for the project, which is August 1, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22–462–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[7] Your motion to intervene must reference the Project docket number CP22–462–000. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email at: David A. Alonzo, Manager Project Authorizations, ANR Pipeline Company, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700 or *David_alonzo@tcenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [8] motions to intervene are automatically granted by operation of Rule 214(c)(1).[9] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to

[3] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[4] 18 CFR 385.102(d).

[5] 18 CFR 385.214.

[6] 18 CFR 157.10.

[7] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[8] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[9] 18 CFR 385.214(c)(1).

intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[10] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on August 1, 2022.

Dated: June 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12216 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

[10] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL22–44–000]

Grand River Dam Authority; Notice of Conference Call

On Monday, June 13, 2022, Commission staff will hold a conference call with Grand River Dam Authority (Grand River) beginning at 2:00 p.m. (Eastern Time). The purpose of the conference call is to discuss Grand River's formula rate protocols. The discussion during the conference call will be limited to this matter.

All interested parties are invited to listen by phone. The conference call will not be webcasted or transcribed. However, an audio listen-only line will be provided. Those wishing to access the listen-only line must email Nishi Parekh at *Nishi.Parekh@ferc.gov* by 5:00 p.m. (Eastern Time) on Thursday, June 9, 2022, with your name, email, and phone number, in order to receive the call-in information before the conference call. Please use the following text for the subject line, ''EL22–44–000 listen-only line registration.''

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1 (866) 208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For additional information, please contact Nishi Parekh at (202) 502–8325 or *Nishi.Parekh@ferc.gov.*

Dated: June 1, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12238 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–69–000.
Applicants: Broad River Energy LLC, KMC Thermo, LLC, Onward Thermal Holdings, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Broad River Energy LLC, et al.
Filed Date: 5/31/22.
Accession Number: 20220531–5430.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: EC22–70–000.
Applicants: Texpo Power, LP, EnerPenn USA LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Texpo Power, LP, et al.
Filed Date: 5/31/22.
Accession Number: 20220531–5434.
Comment Date: 5 p.m. ET 6/21/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–132–000.
Applicants: Sheppard Mullin Richter & Hampton LLP.
Description: Tres City Power submits Request for Commission Certification of Exempt Wholesale Generator Status.
Filed Date: 6/1/22.
Accession Number: 20220601–5057.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: EG22–133–000.
Applicants: Wolf Tank Storage LLC.
Description: Wolf Tank Storage LLC submits Request for Commission Certification of Exempt Wholesale Generator Status.
Filed Date: 6/1/22.
Accession Number: 20220601–5058.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: EG22–134–000.
Applicants: Sheppard Mullin Richter & Hampton LLP.
Description: Tres Port Power LLC submits Request for Commission Certification of Exempt Wholesale Generator Status.
Filed Date: 6/1/22.
Accession Number: 20220601–5060.
Comment Date: 5 p.m. ET 6/22/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1480–001.
Applicants: KMC Thermo, LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM.
Filed Date: 5/31/22.
Accession Number: 20220531–5354.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: ER20–1997–001.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Compliance filing: Order No. 864 Supplemental Compliance Filing to be effective 1/27/2020.
Filed Date: 6/1/22.
Accession Number: 20220601–5164.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER21–1555–002.
Applicants: New Mexico Wind, LLC.
Description: Compliance filing: Compliance Filing for Live Tariff Records in ER21–1555 to be effective 3/31/2021.
Filed Date: 6/1/22.
Accession Number: 20220601–5074.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1991–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: June 2022 Membership Filing to be effective 5/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5335.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: ER22–1992–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: § 205(d) Rate Filing: PASNY Tariff Value Stack Comp 5–31–2022 to be effective 6/1/2022.

Filed Date: 5/31/22.
Accession Number: 20220531–5352.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: ER22–1993–000.
Applicants: Louisiana Generating LLC.
Description: Request to Recover Costs Associated with Acting as a Local Balancing Authority of Louisiana Generating LLC.
Filed Date: 5/31/22.
Accession Number: 20220531–5369.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: ER22–1994–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6473; Queue No. AE1–153 to be effective 5/3/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5044.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1995–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Attachment S (APCO) 2022 Updated Depreciation Rates Filing to be effective 1/1/2023.
Filed Date: 6/1/22.
Accession Number: 20220601–5054.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1996–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Attachment S (SEGCO) 2022 Updated Depreciation Rates Filing to be effective 1/1/2023.
Filed Date: 6/1/22.
Accession Number: 20220601–5055.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1997–000.
Applicants: Southern Electric Generating Company.
Description: § 205(d) Rate Filing: SEGCO 2022 Updated Depreciation Rates Filing to be effective 1/1/2023.
Filed Date: 6/1/22.
Accession Number: 20220601–5056.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1998–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–06–01_SA 2829 Entergy Arkansas-Pine Bluff Energy 1st Rev GIA (J328 J1425) to be effective 5/19/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5075.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–1999–000.
Applicants: Number Three Wind LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 8/1/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5085.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2000–000.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: § 205(d) Rate Filing: 2022 RIA Annual Update and Amend to be effective 7/1/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5094.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2001–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Filing of Amended and Restated Standard LGIA with Fall River Solar, LLC to be effective 6/2/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5107.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2002–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 5556; Queue No. AE1–123 to be effective 12/10/2019.
Filed Date: 6/1/22.
Accession Number: 20220601–5121.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2003–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6466; Queue No. AE1–040 to be effective 5/22/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5125.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2004–000.
Applicants: PacifiCorp.
Description: Compliance filing: OATT Revised LGIP & SGIP Compliance Filing to be effective 4/1/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5134.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2005–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ISA, SA No. 5561; Queue No. AC1–043/AD1–115 to be effective 5/6/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5157.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2006–000.
Applicants: Gulf Power Company
Description: Compliance filing: Order No. 676–J Compliance Filing to be effective 12/31/9998.
Filed Date: 6/1/22.
Accession Number: 20220601–5180.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2007–000.
Applicants: Duke Energy Florida, LLC, Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Duke Energy Florida, LLC submits tariff filing per 35.13(a)(2)(iii: Revisions to Attachments J and K to Joint OATT to be effective 8/1/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5225.
Comment Date: 5 p.m. ET 6/22/22.

Docket Numbers: ER22–2008–000.
Applicants: SEPV Sierra, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 6/2/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5240.
Comment Date: 5 p.m. ET 6/22/22.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF22–681–000.
Applicants: goCDG Credits 28, LLC.
Description: Form 556 of goCDG Credits 28, LLC.
Filed Date: 5/31/22.
Accession Number: 20220531–5420.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: QF22–682–000.
Applicants: goCDG Credits 100, LLC.
Description: Form 556 of goCDG Credits 100, LLC.
Filed Date: 5/31/22.
Accession Number: 20220531–5422.
Comment Date: 5 p.m. ET 6/21/22.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR22–3–000.
Applicants: North American Electric Reliability Corporation.
Description: North American Electric Reliability Corporation's Report of Comparisons of Budgeted to Actual Costs for 2021 for NERC and the Regional Entities.
Filed Date: 6/1/22.
Accession Number: 20220601–5063.
Comment Date: 5 p.m. ET 6/22/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 1, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12239 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD22–7–000]

Springfield Water and Sewer Commission; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 17, 2022, the Springfield Water and Sewer Commission, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The existing Cobble Mountain Hydroelectric Station Project has an installed capacity of 33 megawatts (MW) and is located at the end of the applicant's Cobble Mountain power tunnel in Granville, Hampden County, Massachusetts.[1]

Applicant Contact: Michael A. Swiger, Van Ness Feldman, LLP, 1050 Thomas Jefferson Street NW, Washington, DC 20007, 202–298–1891, *mas@vnf.com.*

FERC Contact: Christopher Chaney, 202–502–6778, *christopher.chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The project consists of: (1) the approximately 72-feet-long by 53-feet-wide Cobble Mountain Hydroelectric Station, containing three vertical Francis units with a combined capacity of 33 MW; (2) three steel penstocks of varying lengths, but approximately 600 feet long; and (3) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 20,000 megawatt-hours.

The project discharges water to the Little River, a natural body of water. Because a portion of the discharge would not be withdrawn downstream by part of the same water supply system, the applicant requests waiver of the discharge requirement under 18 CFR 4.30(b)(30)(iv).

The applicant states that it has no current plans for future units. As the units continue to age, it will evaluate the costs and benefits of maintaining the existing units or possible replacement.[2]

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The Cobble Mountain Hydroelectric Station Project is an existing project. However, as noted above, it has not been licensed or exempted from the licensing requirements of Part I of the FPA, is under 40 MW, and does not alter the primary purpose of the conduit, which is to transport potable water for municipal use. Therefore, based upon the above criteria, if the requested discharge requirement waiver is granted, Commission staff preliminarily determines that the operation of the project described above satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing. However, at such time as the applicant plans modifications to the existing project, it would need to reapply for a determination that the project satisfies the requirements for a qualifying conduit hydropower facility.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 30 days from the issuance date of this notice. Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[3] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp* Commenters can submit brief comments

[1] The Commission, in a November 30, 1988 Order Finding Licensing of Hydroelectric Project Not Required, found that the entire Cobble Mountain Project was built before 1935, does not occupy any public lands or reservations of the United States, and does not use surplus water or waterpower from a federal government dam. *City of Springfield, MA,* 45 FERC ¶ 62,178 (1988). The Cobble Mountain Hydroelectric Station Project is a component of the project addressed in that order.

[2] Application at 6.

[3] 18 CFR 385.2001–2005 (2021).

up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may send 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, MD 20852. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Locations of Notice of Intent: The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (*i.e.,* CD22–7) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. Copies of the notice of intent can be obtained directly from the applicant. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: June 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12217 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR22–3–000]

Magellan Pipeline Company, L.P.; Notice of Petition for Declaratory Order

Take notice that on May 20, 2022, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2021), Magellan Pipeline Company, L.P. (Magellan) hereby petitions the Commission for a declaratory order approving priority service and the overall rate structure and terms of service for a proposed expansion of its Mountain System, as more fully explained in Magellan's petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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 with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 21, 2022.

Dated: June 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12215 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3409–032]

Boyne USA, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Boyne River Hydroelectric Project, located on the Boyne River, in Boyne Valley Township, Charlevoix County, near Boyne Falls, Michigan. The project does not occupy federal land.

The EA contains staff's analysis of the potential environmental effects of the project and concludes that licensing the project, with appropriate environmental measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA 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 Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filings. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.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. 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–3409–032.

For further information, contact Patrick Ely at *patrick.ely@ferc.gov* or (202) 502–8570.

Dated: June 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12218 Filed 6–6–22; 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: RP22–945–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate—Amended Seminole Electric 9214212 to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5037.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–946–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Texas Gas GMS Live Tariff Record Filing to be effective 7/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5069.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–947–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jun 2022 to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5070.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–948–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 6–1–22 to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5139.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–949–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: PCB Adjustment Period Extension through 2024 to be effective 7/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5146.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–950–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 7/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5166.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–951–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: § 4(d) Rate Filing: ECGS 2022–05–31 NAESB 3.2 Catch-Up Filing to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5182.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–952–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20220531 Negotiated Rate to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5200.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–953–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: § 4(d) Rate Filing: Fuel Adjustment Effective July 1, 2022 to be effective 7/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5208.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–954–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases 6–1–22 to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5218.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–955–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 6–1–2022 to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5240.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–956–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: § 4(d) Rate Filing: 5–31–22 Fuel Tracker to be effective 7/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5251.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–957–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rates—Northern to Emera to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5269.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–958–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SRP Jun–Aug 2022) to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5275.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP22–959–000.
Applicants: MountainWest Overthrust Pipeline, LLC.
Description: § 4(d) Rate Filing: Non-conforming TSA No. 5229 Amendment 20 to be effective 6/1/2022.
Filed Date: 6/1/22.
Accession Number: 20220601–5053.
Comment Date: 5 p.m. ET 6/13/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP17–913–006.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Compliance filing: Natural's Petition to Amend S&A of Settlement and Shorten the Comment Period to be effective N/A.
Filed Date: 5/31/22.
Accession Number: 20220531–5255.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: RP21–1187–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: Refund Report: EGTS—Report of Refunds to be effective N/A.
Filed Date: 5/31/22.
Accession Number: 20220531–5032.
Comment Date: 5 p.m. ET 6/13/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 1, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12240 Filed 6–6–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2022–0403; FRL–9833–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the Act), notice is given of two proposed consent decrees: one would resolve all claims in *Concerned Citizens of St. John, et al.* v *Regan,* No. 21-cv-03063–TNM (D.D.C.) (''CCSJ Matter''), as well as the same claims brought in *Environmental Integrity Project, et al.* v. *Regan,* No. 20-cv-03119–TNM (D.D.C.) (''EIP Matter''), and the second proposed consent decree would resolve all other claims in the EIP Matter. The two cases are now consolidated, and the Environmental Protection Agency (''EPA'' or ''the Agency'') is providing notice of these two proposed consent decrees that would resolve all claims in both cases by establishing deadlines for EPA to take proposed and final actions on, in the first consent decree, the National Emission Standards for Hazardous Air Pollutants (''NESHAP'') for the Group I Polymers & Resins (''P&R I'') source category, and in the second, certain New Source Performance Standards (''NSPS'') and NESHAP specified in that decree.

DATES: Written comments on the two proposed consent decrees must be received by *July 7, 2022.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0403, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Hali Kerr, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency, telephone (202) 564–2286; email address *Kerr.Hali@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decrees

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2022–0403) contains a copy of the two proposed consent decrees. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the two proposed consent decrees and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decrees

On October 29, 2020, Plaintiffs Environmental Integrity Project, Clean Air Council, Air Alliance Houston, Chesapeake Climate Action Network, Earthworks, Environment America, Environment Texas, Hoosier Environmental Council, PennEnvironment, and Texas Campaign for the Environment (collectively, ''EIP Plaintiffs'') brought the EIP Matter in the United States District Court for the District of Columbia. EIP Plaintiffs filed a third amended complaint on December 10, 2021, alleging that the EPA failed to perform certain non-discretionary duties to review and, where appropriate or necessary, revise the flare control device requirements in the General Provisions for NSPS and NESHAP. They alleged in the alternative that EPA failed to review and, where appropriate or necessary, revise the NSPS for nine source categories and the NESHAP for eight source categories, including P&R I, that cross reference the flare control device requirements.

On November 18, 2021, Plaintiffs Concerned Citizens of St. John, Louisiana Environmental Action Network, and Sierra Club (collectively, ''CCSJ Plaintiffs'') brought the CCSJ Matter in the United States District Court for the District of Columbia. CCSJ Plaintiffs filed a first amended complaint on March 30, 2022, alleging that EPA failed to perform its obligations under the CAA to review, and revise as necessary (taking into account developments in practices, processes, and control technologies) the P&R I NESHAP at least every 8 years. On March 31, 2022, based on the P&R I claims in both cases, the Court granted a joint motion to consolidate the two cases, with the EIP Matter as the lead case.

Pursuant to CAA section 113(g), EPA is providing notice of two proposed consent decrees that together would resolve all claims in the now consolidated EIP Matter and CCSJ Matter. One of the two proposed consent decrees would establish deadlines for EPA to take proposed and final actions pursuant to CAA section 112(d)(6), 42 U.S.C. 7412(d)(6), for the NESHAP for the source categories regulated under P&R I, 40 CFR part 63, subpart U (''Joint P&R I Consent Decree''). The Joint P&R I Consent Decree would require by March 31, 2023, that EPA sign for publication a proposed rule containing all ''necessary'' revisions to the P&R I NESHAP under section 112(d)(6) of the

Act (''taking into account developments in practices, processes, and control technologies''), and that EPA take final action by March 29, 2024. The proposed Joint P&R I Consent Decree would resolve all claims in the CCSJ Matter and the same claims brought in the EIP Matter.

The second proposed decree, which would resolve all remaining claims in the EIP Matter, would establish deadlines for EPA to take actions on one NSPS and two NESHAP that cross reference flare control device requirements (''Flare Consent Decree''). The Flare Consent Decree would establish deadlines for EPA to take certain proposed and final actions. Specifically, the Flare Consent Decree would require that EPA sign the following: a proposed action under CAA section 111(b)(1)(B) on the NSPS for Volatile Organic Liquid Storage Vessels, 40 CFR part 60, subpart Kb, by September 29, 2023, and a final action by September 30, 2024; a proposed action under CAA section 112(d)(6) on the NESHAP for Epoxy Resins Production and Non-Nylon Polyamides Production (''P&R II''), 40 CFR part 63, subpart W, by March 31, 2023, and final action by March 29, 2024; and a proposed action under CAA section 112(d)(6) on the NESHAP for Marine Tank Vessel Loading Operations, 40 CFR part 63, subpart Y, by December 19, 2025, and final action by December 19, 2026.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to either or both of the two proposed consent decrees. EPA or the Department of Justice may withdraw or withhold consent to either or both of the two proposed consent decrees if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decrees

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0403, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2022–12235 Filed 6–6–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[[OMB 3060–0742; FR ID 89984]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 7, 2022.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the

section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0742.

Title: Sections 52.21 through 52.36, Telephone Number Portability, 47 CFR part 52, subpart (C), and CC Docket No. 95–116.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities.

Number of Respondents and Responses: 3,626 respondents; 10,002,000 responses.

Estimated Time per Response: 0.0666 hours–10 hours.

Frequency of Response: On occasion and one-time reporting requirements, recordkeeping requirement, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 201–205, 215, 251(b)(2), 251(e)(2) and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 673,410 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. If the respondents wish confidential treatment of their information, they may request confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 251(b)(2) of the Communications Act of 1934, as amended, requires LECs to ''provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission.'' Through the LNP process, consumers have the ability to retain their phone number when switching telecommunications service providers, enabling them to choose a provider that best suits their needs and enhancing competition. In the Porting Interval Order and Further Notice, the Commission mandated a one business day porting interval for simple wireline-to-wireline and intermodal port requests. The information collected in the standard local service request data fields is necessary to complete simple wireline-to-wireline and intermodal ports within the one business day porting interval mandated by the Commission and will be used to comply with Section 251 of the Telecommunications Act of 1996.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–12179 Filed 6–6–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10023	Downey Savings and Loan Association, F.A	Newport Beach	CA	06/01/2022
10126	San Joaquin Bank	Bakersfield	CA	06/01/2022
10128	First DuPage Bank	Westmont	IL	06/01/2022
10148	Century Bank, FSB	Sarasota	FL	06/01/2022
10149	Orion Bank	Naples	FL	06/01/2022
10184	George Washington Savings Bank	Orland Park	IL	06/01/2022
10192	Sun American Bank	Boca Raton	FL	06/01/2022
10532	Louisa Community Bank	Louisa	KY	06/01/2022

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 1, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–12222 Filed 6–6–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than June 22, 2022.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *The Revocable Trust of Joseph H. Framptom, Joseph Hottle Framptom, trustee, and the Revocable Trust of Jeane B. Framptom, Jeane Banks Framptom, trustee, all of Paducah, Kentucky;* to join the Framptom family control group, a group acting in concert, to acquire voting shares of Paducah Bank Shares, Inc., and thereby indirectly acquire voting shares of The Paducah Bank and Trust Company, all of Paducah, Kentucky.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–12254 Filed 6–6–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0069; Docket No. 2022–0053; Sequence No. 10]

Submission for OMB Review; Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a previously approved information collection requirement regarding indirect cost rate proposals, payments to small business subcontractors, and bankruptcy notifications.

DATES: Submit comments on or before July 7, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications.

B. Needs and Uses

DoD, GSA, and NASA are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000–0069 and combines it with the previously approved information collections under OMB Control No. 9000–0196, with the new title ''Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications''. Upon approval of this consolidated information collection, OMB Control No. 9000–0196 will be discontinued. The burden requirements previously approved under the discontinued number will be covered under OMB Control No. 9000–0069.

This clearance covers the information that contractors must submit to comply with the following FAR requirements:

FAR 52.216–7, Allowable Cost and Payment. This clause requires the contractor to submit an adequate final indirect cost rate proposal to the contracting officer and the auditor within the 6-month period following the expiration of each of its fiscal years. The proposed rates shall be based on the contractor's actual cost experience for that period. Paragraphs (d)(2)(iii) and (iv) of this clause provide a list of the data required to be submitted. The data is customary business financial information that the contractor can access from its automated business systems.

FAR 52.216–15, Predetermined Indirect Cost Rates. This clause repeats the requirement in the FAR clause at 52.216–7, paragraph (d), for the contractor to submit an adequate final

indirect cost rate proposal, however it does not impose any additional reporting requirements.

FAR 52.242–4, Certification of Final Indirect Costs. This clause requires the contractor's final indirect cost rate proposal to be certified to establish or modify the rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices. This clause is incorporated into all solicitations and contracts that provide for establishment of final indirect cost rates, but the Department of Energy may provide an alternate clause for its Management and Operating contracts.

The contracting officer and auditor use the proposal and supporting data provided under the FAR clauses at 52.216–7, 52.216–15, and 52.242–4 to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

FAR 52.242–5, Payments to Small Business Subcontractors. This clause requires the prime contractor to self-report to the contracting officer when the prime contractor makes late or reduced payments to small business subcontractors. The notice shall include the reason(s) for making the reduced or untimely payment. The contracting officer uses the information to record the identity of contractors with a history of late or reduced payments to small business subcontractors in the Federal Awardee Performance and Integrity Information System. The contracting officer considers and evaluates the contractor's written explanation for a reduced or an untimely payment to determine whether the reduced or untimely payment is justified.

FAR 52.242–13, Bankruptcy. This clause requires contractors to notify the contracting officer within five days after initiating the proceedings relating to bankruptcy filing. The contracting officer uses the notification received under this clause to ensure the contractor's ability to perform its government contract.

C. Annual Burden

Respondents: 6,265.
Total Annual Responses: 6,265.
Total Burden Hours: 1,504,083.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 87 FR 17292, on March 28, 2022. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–12200 Filed 6–6–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–22BG]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Triazole-resistant Aspergillus fumigatus Case Report Form'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on December 21, 2021 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Characteristics of Patients with Environmentally-derived Triazole-resistant Aspergillus fumigatus—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The environmental mold *Aspergillus fumigatus* is the primary cause of invasive aspergillosis and is associated with 50% mortality in high-risk patients, including stem cell and organ transplant recipients. The use of triazole antifungals has greatly improved survival, however triazole-resistant *A. fumigatus* infections are increasingly reported worldwide and are associated with increased mortality and treatment failure. Of particular concern are resistant *A. fumigatus* isolates carrying the TR34/L98H and TR46/Y121F genetic resistance markers, which are associated with environmental triazole fungicide use rather than previous patient exposure to antifungals. Infections with these triazole-resistant strains have become common among patients with *A. fumigatus* infections in Europe, Asia, and South America, and have been characterized epidemiologically. However, U.S. reports of isolates carrying TR34/L98H or TR46/Y121F markers are limited, and

detailed epidemiologic data are critical to inform public health response.

CDC is already receiving *Aspergillus fumigatus* isolates from laboratories across the nation, primarily through Antibiotic Resistance Laboratory Networks (ARLN) and sometimes directly from submitters. These isolates undergo testing for triazole resistance (defined using minimum inhibitory concentrations or epidemiologic cutoff values set forth by Clinical and Laboratory Standards Institute). For patients involving triazole-resistant isolates, we plan to use a standardized case report form (CRF) to collect public health surveillance data regarding demographics (*e.g.,* age, sex, race/ethnicity, country of residence), underlying medical conditions, treatments, and outcomes (*e.g.,* vital status at 30 days for initial positive specimen). The CRF would be filled out voluntarily by state and local health departments and contains an optional supplement at the end involving a brief interview (including data on occupational and environmental exposures) of a patient or their representative. The findings would be used to describe the risk factors, clinical features, and outcomes for patients with triazole-resistance Aspergillus fumigatus. U.S. data on triazole-resistant Aspergillus fumigatus are lacking, although this problem constitutes a major public health threat.

CDC requests OMB approval for an estimated eight annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public Health Officials, Clinicians	Triazole-resistant *Aspergillus fumigatus* Case Report Form.	15	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–12145 Filed 6–6–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–0943]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Data Collection for the Residential Care Community and Adult Day Services Center Components of the National Post-acute and Long-term Care Study'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on January 24, 2022 to obtain comments from the public and affected agencies. CDC received one non-substantive comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Data Collection for the Residential Care Community and Adult Day Services Center Components of the National Post-acute and Long-term Care Study (OMB Control No. 0920–0943, Exp. 09/30/2023)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, ''shall collect statistics on health resources . . . [and] utilization of health care, including extended care facilities, and other institutions.''

NCHS seeks approval to collect data for the residential care community (RCC) and adult day services center (ADSC) survey components of the sixth National Post-Acute and Long-Term Care Study or NPALS (formerly known as the National Study of Long-Term Care Providers or NSLTCP).

The NPALS is designed to: (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) providers; (2) merge with existing administrative data on LTC providers and service users (*e.g.,* Centers for Medicare and Medicaid Services (CMS) data on inpatient rehabilitation facilities and patients, long-term care hospitals and patients, nursing homes and residents, home health agencies and patients, and hospices and patients); (3)

update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply and use of these sectors over time.

Data will be collected from national samples of two types of LTC providers in the 50 states and the District of Columbia: 2,090 RCCs and 1,750 ADSCs. The RCC sampling frame will contain all of the state-licensed RCCs that are licensed for four or more beds. Participants in the ADSC component will be sampled from a comprehensive listing of ADSCs maintained by the National Adult Day Services Association (NADSA).

Data were collected in 2012, 2014, 2016, 2018, and 2020. The data to be collected in 2022 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs, and the demographics, selected health conditions and health care utilization, physical functioning, and cognitive functioning of RCC residents and ADSC participants. The 2022 NPALS also includes interviews with subject matter experts about electronic health records (EHRs) use among ADSCs and RCCs and available EHRs data for them.

Expected users of data from this collection effort include, but are not limited to, CDC; other DHHS agencies, such as the Office of the Assistant Secretary for Planning and Evaluation, The Administration for Community Living, and the Agency for Healthcare Research and Quality; associations, such as LeadingAge, National Center for Assisted Living, American Seniors Housing Association, Argentum, Advancing States, and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association, the AARP Public Policy Institute, and the National Academies of Sciences, Engineering, and Medicine.

Expected average burden for data collection is 60 minutes per respondent: 30 minutes for a provider questionnaire and 30 minutes for a services user questionnaire. In addition, 20 individuals with subject matter expertise in the use of electronic health records (HER) will be recruited to participate in a one-hour interview.

Changes to be implemented in 2022 include; reducing the number of sampled RCCs and ADCSs; use of a provider questionnaire and a services user questionnaire (instead of a multi-purpose form); and minor changes to questions and response options to improve usability and data quality.

OMB approval is requested for two years. The annualized estimates for number of respondents and burden hours are summarized below, assuming a 100% response rate. The total estimated annualized burden hours are 1,932. Participation is voluntary and there is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
RCC Director/Designated Staff Member	RCC Provider Questionnaire	1,045	1	30/60
ADSC Director/Designated Staff Member	ADSC Provider Questionnaire	875	1	30/60
RCC Director/Designated Staff Member	RCC Services User Questionnaire	1,045	1	30/60
ADSC Director/Designated Staff Member	ADSC Services User Questionnaire	875	1	30/60
RCC/ADSC Subject Matter Experts	EHRs Subject Matter Expert Interview	10	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–12146 Filed 6–6–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Announcing the Intent To Award a Single-Source Supplement for the Amputee Coalition of America, Inc. for the National Limb Loss Resource Center Cooperative Agreement

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by the Amputee Coalition of America, Inc. for the National Limb Loss Resource Center (NLLRC). The purpose of this project is to expand on current grant activities occurring across communities. These activities include programs that promote independence, community living, and the adoption of healthy behaviors that promote wellness and prevent and/or reduce chronic conditions associated with limb loss and increase partnerships and collaborations with ACL programs that will benefit all people living with limb loss or limb differences. The administrative supplement for FY 2022 will be for $490,698 bringing the total award for FY 2022 to $3,883,259.

FOR MORE INFORMATION CONTACT: For further information or comments regarding this program supplement, contact Elizabeth Leef, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Disabilities, Office of Disability Services Innovation: telephone (202) 475–2486 email: *Elizabeth.leef@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: The additional funding will not be used to begin new projects. The funding will be used to enhance and expand existing programs that can serve an increased number of veterans and people living with limb loss and limb differences by providing increased technical assistance activities; promoting health and wellness programs; addressing healthcare access issues, including maternity care; promoting the adoption of healthy behaviors with the objective of preventing and/or reducing chronic conditions associated with limb loss; increasing partnerships and collaborations with ACL programs that will benefit all people living with limb loss or limb differences; enhancing and expanding the evaluation activities currently under way; and enhancing website capacities for improved information dissemination.

Program Name: National Limb Loss Resource Center.

Recipient: The Amputee Coalition of America, Inc.

Period of Performance: The supplement award will be issued for the fourth year of the five-year project period of April 1, 2019, through March 29, 2024.

Total Supplement Award Amount: $490,698 in FY 2022.

Award Type: Cooperative Agreement Supplement.

Statutory Authority: This program is authorized under Section 317 of the Public Health Service Act (42 U.S.C. 247(b–4)); Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (Dec. 16, 2014).

Basis for Award: The Amputee Coalition of America, Inc. is currently funded to carry out the objectives of this program, entitled The *National Limb Loss Resource Center* for the period of April 1, 2019, through March 29, 2024. Almost 2 million Americans have experienced amputations or were born with limb difference and another 28 million people in our country are at risk for amputation. The supplement will enable the grantee to carry their work even further, serving more people living with limb loss and/or limb differences and providing even more comprehensive training and technical assistance in the development of long-term supportive services. The additional funding will not be used to begin new projects or activities. The NLLRC will enhance and expand currently funded activities such as conducting national outreach for the development and dissemination of patient education materials, programs, and services; providing technical support and assistance to community based limb loss support groups; and raising awareness about the limb loss and limb differences communities.

Establishing an entirely new grant project at this time would be potentially disruptive to the current work already well under way. More importantly, the people living with limb loss and limb differences currently being served by this program could be negatively impacted by a service disruption, thus posing the risk of not being able to find the right resources that could negatively impact on health and wellbeing. If this supplement were not provided, the project would be less able to address the significant unmet needs of additional limb loss survivors. Similarly, the project would be unable to expand its current technical assistance and training efforts in NLLRC concepts and approaches, let alone reach beyond traditional providers of services to this population to train more ''mainstream'' providers of disability services.

Date: May 27, 2022.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022–12205 Filed 6–6–22; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–1138]

Effects of the COVID–19 Public Health Emergency on Formal Meetings and User Fee Applications for Medical Devices—Questions and Answers (Revised); Withdrawal of Guidance

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Notice; withdrawal.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the withdrawal of the guidance document entitled ''Effects of the COVID–19 Public Health Emergency on Formal Meetings and User Fee Applications for Medical Devices—Questions and Answers (Revised),'' which was issued in June 2020 (and updated December 2020). FDA is withdrawing this guidance document in recognition that the conditions that created the need for these policies have evolved, such that these policies are no longer needed.

DATES: The withdrawal date is July 7, 2022.

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2438, Silver Spring, MD 20993–0002, 301–796–5640, *Joshua.Nipper@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

As part of FDA's commitment to providing timely guidance to support continuity and response efforts to the Coronavirus Disease 2019 (COVID–19) [1] pandemic, in June 2020, the Agency published this guidance document (June 23, 2020 at 85 FR 34638) and updated it in December 2020, to recognize that the COVID–19 public health emergency was affecting the public health in numerous direct and indirect ways, including device development programs.[2] This guidance document answered frequently asked questions and implemented temporary policies to reduce industry burden.

FDA has continually assessed the needs and circumstances related to these temporary policies, and as relevant needs and circumstances evolved, the Agency made updates and modifications to these temporary policies. FDA has determined that the needs and circumstances related to the temporary policies described in the guidance document have evolved, such that they are no longer needed, and the guidance document should be withdrawn. In weighing the current burden to industry and the Agency relating to the COVID–19 response efforts with the need to ensure patients have timely access to new devices, FDA is withdrawing this guidance document. Below is a brief description of the guidance document and temporary policies that will be withdrawn:

The guidance articulated FDA's policy that for marketing submissions and applications on hold, FDA did not intend to consider a submission or application to be withdrawn for an additional 180 days beyond the relevant response date. Returning to pre-pandemic policies for marketing submissions and applications placed on hold after the withdrawal of this guidance means FDA will generally consider the submission or application to be withdrawn if the submitter or applicant does not provide a complete response to major deficiency letters for Premarket Approval Applications (PMAs) (original and supplements) [3] and Humanitarian Device Exemption (HDE) applications (original and supplements) [4] within 360 days or to additional information letters for 510(k) [5] and De Novo requests [6] within

[1] The virus has been named ''SARS–CoV–2'' and the disease it causes has been named ''Coronavirus Disease 2019'' (COVID–19).

[2] The term ''device(s)'' in this document refers to devices regulated by the Center for Devices and Radiological Health (CDRH) as well as devices regulated by the Center for Biologics Evaluation and Research (CBER), including devices regulated as biological products under section 351 of the Public Health Service (PHS) Act.

[3] For more information, please see the FDA guidance document entitled ''FDA and Industry Actions on Premarket Approval Applications (PMAs): Effect on FDA Review Clock and Goals'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fda-and-industry-actions-premarket-approval-applications-pmas-effect-fda-review-clock-and-goals*).

[4] For more information, please see the FDA guidance document entitled ''Humanitarian Device Exemption (HDE) Program'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/humanitarian-device-exemption-hde-program*).

[5] For more information, please see the FDA guidance document entitled ''FDA and Industry Actions on Premarket Notification (510(k)) Submissions: Effect on FDA Review Clock and Goals'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fda-and-industry-actions-premarket-notification-510k-submissions-effect-fda-review-clock-and-goals*).

[6] For more information, please see the FDA guidance document entitled ''FDA and Industry Actions on De Novo Classification Requests: Effect on FDA Review Clock and Goals'' (*https://www.fda.gov/regulatory-information/search-fda-*

Continued

180 days, consistent with preexisting guidance.

When the COVID–19 public health emergency began, FDA understood that applicants may face challenges affecting their ability to meet their applicable response date for submissions placed on hold. FDA also recognized our potential difficulty in processing a high volume of individual extension requests on a timely basis. To alleviate these concerns, the guidance document articulated that FDA did not intend to consider an application or submission to be withdrawn for an additional 180 days beyond the relevant response date, regardless of whether the applicant submitted an extension request.

By weighing the current burdens on industry with FDA's interest in patients receiving timely access to new devices, FDA has determined it is in the interest of the public health to return to pre-pandemic policies regarding hold times. Reverting to policies regarding hold times described in the preexisting guidance documents should facilitate more timely premarket review of innovative and potentially lifesaving devices. In addition, closing out files that have been abandoned in a timelier manner allows for better management of the device review program. The Agency acknowledges that the circumstances giving rise to the public health emergency declaration for the COVID–19 pandemic continue to exist. However, the conditions that created the need for these policies have evolved, such that these policies are no longer needed, and it is in the best interest of patients and providers to reinstitute the original hold times to ensure patients have timely access to advanced technologies, diagnostics, and therapeutics without unnecessary delay.

The guidance document also discussed FDA's ability to host advisory committee meetings virtually and FDA's intention to work with relevant stakeholders to host all advisory committee meetings virtually. In returning to pre-pandemic policies, FDA will assess the appropriate venue for advisory committee meetings, keeping in mind FDA's successful implementation of virtual advisory committee meetings. Consistent with existing policy, the venue will be announced via the **Federal Register**.

Therefore, after careful review of current Agency processes, industry practices with regard to resolving submission deficiencies, and comments submitted to the public docket associated with the guidance, FDA is withdrawing the ''Effects of the COVID–19 Public Health Emergency on Formal Meetings and User Fee Applications for Medical Devices—Questions and Answers (Revised)'' guidance in its entirety.

II. Withdrawal Date

The withdrawal date for the guidance document discussed in this document is July 7, 2022. For submissions or applications that receive a major deficiency letter for PMA and HDE applications or additional information letters for 510(k) and De Novo requests prior to or on the guidance withdrawal date, FDA does not intend to consider the submission or application to be withdrawn for an additional 180 days beyond the relevant response date. For submissions or applications that receive a major deficiency letter or additional information letter after the guidance withdrawal date, FDA will generally consider the application or submission to be withdrawn if a complete response is not received by the relevant response date identified in that letter.

Authority: 21 U.S.C. 371(h).

Dated: June 1, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12176 Filed 6–3–22; 8:45 am]

BILLING CODE 4164–01–P

guidance-documents/fda-and-industry-actions-de-novo-classification-requests-effect-fda-review-clock-and-goals).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; The Stem Cell Therapeutic Outcomes Database OMB No. 0915–0310—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than July 7, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the acting HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Stem Cell Therapeutic Outcomes Database OMB No. 0915–0310—Revision.

Abstract: The Stem Cell Therapeutic and Research Act of 2005, Public Law (Pub. L.) 109–129, as amended by the TRANSPLANT Act of 2021, Public Law 117–15 (the Act), provides for the collection and maintenance of human blood stem cells for the treatment of patients and research. The Act requires the Secretary to contract for the establishment and maintenance of information related to patients who have received stem cell therapeutic products and to do so using an electronic format. HRSA has established the Stem Cell Therapeutic Outcomes Database (SCTOD), one component of the C.W. Bill Young Cell Transplantation Program (Program), which necessitates certain electronic record keeping and reporting requirements to perform the functions related to hematopoietic stem cell transplantation (HCT) under contract to HHS. Data is collected from transplant centers by the Center for International Blood and Marrow Transplant Research and is used for ongoing analysis of transplant outcomes to improve the treatment, survival, and quality of life for patients who may benefit from cellular therapies. Over time, there is an expected increase in the information reported as the number of transplants performed annually increases, and survivorship after transplantation improves. Similarly, because of ongoing rapid evolution in transplant indications, methods to establish diagnoses, disease prognostic factors, treatments provided before HCT, methods to determine donor matching, and transplantation techniques, the Program anticipates frequent incremental changes in information

collected by the SCTOD to reflect current clinical care and facilitate statistical modeling throughout the approval period to fulfill the requirements of the Program. Such small incremental changes will not significantly affect the burden. Changes from the prior data collection spreadsheet include addition of a response option for pre-transplant information collection and three questions to collect donor lymphocyte infusion for post-transplant information collection. The burden has decreased due to better estimates of the number of responses and use of burden testing results to estimate the time required.

A 60-day Notice published in the **Federal Register**, Volume 87, Number 53, FR 15439–15440 (March 18, 2022). There were no public comments.

Need and Proposed Use of the Information: Per statutory responsibilities, the collection of information outlined in the ''Total Estimated Annualized Burden Hours'' section below is needed to collect, analyze, and publish stem cell transplantation related data including patient outcomes data and provide the Secretary of HHS with an annual report of transplant center-specific survival data. The proposed revisions of this information collection reflect the most up-to-date medical evidence while simultaneously reducing HCT facility burden. Revisions fall into several categories: consolidating questions, implementing interactive requests (electronic check boxes, check all that apply and pull-down menus) to reduce data entry time, adding necessary information fields, adding clarity to information requests and removing items no longer clinically significant (*e.g.,* drugs). These revisions also incorporate COVID–19 vaccine questions currently under emergency approval. From time to time, there may be refinements in the information collection to keep pace with changes in the field or to enhance the ability to collect information in an automated fashion from respondent source systems, such as electronic health records. The contractor requests OMB approval by June 30, 2022.

Likely Respondents: Transplant Centers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The revised total annual burden hours estimated for this ICR are summarized in the table below. The total hours decreased from 56,786 to 51,526 due to minor changes in the ICR.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name [1]	Number of respondents [2]	Number of responses per respondent [3]	Total responses [4]	Average burden per response (in hours)	Total burden hours
Pre-Transplant Information Collection	177	52.6	[5] 9,315	[6] 1.4	13,041
Transplant Procedure and Product Information	177	52.6	[7] 9,315	[8] 1.1	10,247
Post-Transplant Periodic Information Collection based on Predetermined Schedule	177	319.1	[9] 56,476	[10] 0.5	28,238
Total	177		75,106		51,526

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–12225 Filed 6–6–22; 8:45 am]

BILLING CODE 4165–15–P

[1] This burden estimate table refers to data collections at different time periods consistent with approved practice. The SCTOD contractor is working with respondents to reduce burden by submitting data using interoperability standards. These data collections may include OMB-approved forms.

[2] The total number of transplant centers that submit data to the SCTOD is 177.

[3] The Number of Responses per Respondent was calculated by dividing the Total Responses by the Number of Respondents and rounding to the nearest tenth.

[4] The total number of responses is less than previous calculations because of improvements in estimation. Previous estimates assumed all years had the same number of transplants. This improved estimate includes accurate transplant counts from prior years, which are often less than the current year leading to less follow-up activity.

[5] Total responses for Pre-Transplant Information Collection equals estimated number of new transplant patients in 2021.

[6] Pre-transplant Data includes baseline recipient data including patient demographics, pertinent medical history, disease characteristics and status, and co-morbidities, transplant data procedure characteristics, including preparative regimen, and donor data. This number is rounded to nearest tenth. The actual burden estimate for these data is 1.4175.

[7] Transplant Procedure and Product Information equals estimated number of new transplant patients in 2021.

[8] Transplant Procedure and Product Information includes Graft-vs-Host Disease (GVHD) prophylaxis, graft source, donor type and degree of HLA matching and graft manipulation; graft characteristic data for cord blood units, including infused cell dose; and product information. This number is rounded to nearest tenth. The actual burden estimate for these data is 1.0616.

[9] The number of responses for Post-Transplant Periodic Information Collection is based on a predetermined schedule: 100 days after transplant, 6 months after transplant, 1 year after transplant, annually for 6 years after transplant and then biennially thereafter. In any given year the number of responses is a function of the number of transplants in that year, the number of transplants in previous years, and expected patient survival between the time of transplant and any follow-up activity.

[10] Post-Transplant Data Collection includes hematopoietic recovery and engraftment, serious complications including GVHD and second cancers, disease status, survival status, and cause of death; and subsequent procedures. This number is rounded to nearest tenth. The actual burden estimate is 0.5247.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Early Phase Clinical Trials—Pharma/Device and K Awards.

Date: July 1, 2022.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pilot Effectiveness Trials of Interventions for Preschoolers with ADHD.

Date: July 7, 2022.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Room 6000, MSC 9606, Bethesda, MD 20852, 301–500–5829, *serena.chu@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; HEAL Related Interventions.

Date: July 8, 2022.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Nicholas Gaiano, Ph.D., Review Branch Chief, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center/Room 6150/MSC 9606, 6001 Executive Boulevard, Bethesda, MD 20892–9606, 301–443–2742, *nick.gaiano@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Practice-Based Suicide Prevention Research Centers (P50).

Date: July 14, 2022.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health Neuroscience Center, 6001 Executive Blvd., Room 6000, MSC 9606, Bethesda, MD 20852, 301–500–5829, *serena.chu@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: June 1, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12155 Filed 6–6–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trials in Neurology.

Date: June 27–28, 2022.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–435–6033, *rajarams@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN Initiative: Biology and Biophysics of Neural Stimulation and Recording Technologies.

Date: June 27, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Mirela Milescu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–5720, *mirela.milescu@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trial Readiness for Rare Neurological and Neuromuscular Diseases.

Date: June 29, 2022.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, *Ana.Olariu@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; R13 Review.

Date: July 6, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Li Jia, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–451–2854, *li.jia@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NINDS R25 Programs.

Date: July 11–12, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: DeAnna Lynn Adkins, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, *deanna.adkins@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854,

Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 1, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12174 Filed 6–6–22; 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: Microbiology, Infectious Diseases and AIDS Initial Review Group Microbiology and Infectious Diseases B Research Study Section Microbiology and Infectious Diseases B Subcommittee.

Date: June 28–29, 2022.

Time: 11:00 a.m. to 5:30 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 3F30, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mario Cerritelli, 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 3F58, Rockville, MD 20852, 240–669–5199, *cerritem@mail.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: June 1, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12173 Filed 6–6–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0110]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0071

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0071, Recreational Boat Potential Safety Defect Report; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2022–0110]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0110], and must be received by July 7, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* 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. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have

provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0071.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 12470, March 4, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Recreational Boat Potential Safety Defect Report.

OMB Control Number: 1625–0071.

Summary: The collection of information provides a means for consumers and public (recreational boat owners, law enforcement, boating law administrators, marine inspectors, passengers/occupants, general public) who believe a recreational boat or designated associated equipment contain substantial risk defects or fail to comply with Federal safety standards to report the deficiencies to the Coast Guard for investigation and possible remedy.

Need: 46 U.S.C. 4310 gives the Coast Guard the authority to require manufacturers of recreational boats and certain items of designated associated equipment to notify owners and remedy: (1) defects that create a substantial risk of personal injury to the public; and (2) failures to comply with applicable Federal safety standards.

Forms: CG–5578, Recreational Boat Potential Safety Defect Report.

Respondents: Owners and users of recreational boats and items of designated associated equipment.

Frequency: One time.

Hour Burden Estimate: The estimated burden has decrease from 12.04 hours to 7.84 hours a year, this is due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: May 24, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–12207 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0107]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0052

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0052, Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges; without change.

Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2022–0107]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0107], and must be received by July 7, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* 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. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0052.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 12468, March 4, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges.

OMB Control Number: 1625–0052.

Summary: The Coast Guard uses the results of nondestructive testing to evaluate the suitability of older pressure-vessel-type cargo tanks of unmanned barges to remain in service. Such a tank, on an unmanned barge, 30 years old or older is subjected to nondestructive testing once every ten years.

Need: Under 46 U.S.C. 3703, the Coast Guard is responsible for ensuring safe shipment of liquid dangerous cargoes and has promulgated regulations for certain barges to ensure the meeting of safety standards.

Forms: None.

Respondents: Owners of tank barges.

Frequency: Every 10 years.

Hour Burden Estimate: The estimated burden remains 104 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: May 24, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–12208 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0108]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0070

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0070, Vessel Identification System; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2022–0108]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0108], and must be received by July 7, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* 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. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have

provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0070.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 12469, March 4, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Vessel Identification System.

OMB Control Number: 1625–0070.

Summary: The Coast Guard established a nationwide vessel identification system (VIS) and centralized certain vessel documentation functions. VIS provides participating States and Territories with access to data on vessels numbered by States and Territories. Participation in VIS is voluntary.

Need: 46 U.S.C. 12501 mandates the establishment of a VIS. 33 CFR part 187 prescribe the requirements of VIS.

Forms: None.

Respondents: Governments of States and Territories.

Frequency: Occasionally.

Hour Burden Estimate: The estimated burden remains 5,792 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter as amended.

Dated: May 24, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–12206 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2223]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; Department of Homeland Security.

ACTION: Notice; correction.

SUMMARY: On March 15, 2022, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table to be used in lieu of the erroneous information. The table provided here represents the proposed flood hazard determinations and communities affected for Van Buren County, Michigan (All Jurisdictions) and Lucas County, Ohio, and Incorporated Areas.

DATES: Comments are to be submitted on or before September 6, 2022.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2223 to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 87 FR 14551 in the March 15, 2022, issue of the **Federal Register**, FEMA published tables titled ''Van Buren County, Michigan (All Jurisdictions)'' and ''Lucas County, Ohio, and Incorporated Areas''. The table titled ''Van Buren County, Michigan (All Jurisdictions)'' contained inaccurate information as to the community name and community map repository for Charter Township of South Haven, Michigan featured in the table. The table titled ''Lucas County, Ohio and Incorporated Area'' contained inaccurate information as to the communities affected by the proposed flood hazard determinations featured in

the table. In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Van Buren County, Michigan (All Jurisdictions) **Project: 13–05–4211S Preliminary Date: August 18, 2021**	
City Of South Haven	City Hall, 539 Phoenix Street, South Haven, MI 49090.
Township Of Covert	Township Hall, 73943 East Lake Street, Covert, MI 49043.
Charter Township of South Haven	Township Hall, 09761 Blue Star Memorial Highway, South Haven, MI 49090.
Lucas County, Ohio and Incorporated Areas **Project: 13–05–1800S Revised Preliminary Date: December 3, 2021**	
City of Toledo	Department of Inspection, One Government Center, Suite 1600, Toledo, OH 43604.
Unincorporated Areas of Lucas County	Lucas County Engineer's Office, 1049 South McCord Road, Holland, OH 43528.

[FR Doc. 2022–12219 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2022–0018; OMB No. 1660–0024]

Agency Information Collection Activities: Proposed Collection; Comment Request; Federal Assistance for Offsite Radiological Emergency Preparedness and Planning

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning all information collections related to FEMA Radiological Emergency Preparedness Program requirements.

DATES: Comments must be submitted on or before August 8, 2022.

ADDRESSES: To avoid duplicate submissions to the docket, please submit comments at *www.regulations.gov* under Docket ID FEMA–2022–0018. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Renae Connell, Emergency Management Specialist, FEMA/NPD/THD, *renae.connell@fema.dhs.gov.* You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency's (FEMA')s Radiological Emergency Preparedness (REP) Program coordinates the National effort to provide State, Tribal and local governments with relevant and executable planning, training, technical assistance, and exercise guidance and policies necessary to ensure that adequate capabilities exist to prepare for, respond to, and recover from incidents involving commercial nuclear power plants (NPPs). The REP Program assists State, Tribal and local governments in the development and conduct of off-site emergency planning and preparedness activities within the emergency planning zones (EPZs) of Nuclear Regulatory Commission (NRC)-licensed commercial nuclear power facilities.

Sec. 109 of the NRC Authorization Act of 1980 (Pub. L. 96–295) directed the NRC to establish emergency preparedness as a criterion for licensing commercial NPPs. Specifically, section 109 of Public Law 96–295 directed the NRC to establish through rulemaking, (a) standards, developed with FEMA, for the evaluation of State and local government radiological emergency planning and preparedness; and (b) a requirement that the NRC will issue operating licenses. Before issuing a license, the NRC must determine that there is (i) a State or local emergency response plan compliant with the standards developed with FEMA or (ii) in the absence of such a plan, a State, local, or utility emergency response plan that provides reasonable assurance that public health and safety is not endangered by the NPP's operation. *See* Public Law 96–295, 109 (b)(1)(A)–(B)). The NRC revised its regulations in part 50 of title 10 of the CFR to incorporate additional emergency preparedness requirements, including 16 planning standards for onsite and offsite emergency plans as required by Public Law 96–295. FEMA mirrors these 16 planning standards in Part 350, specifically at 44 CFR 350.5.

In the communities surrounding commercial NPP, 44 CFR 350.5(b) directs FEMA's REP Program to review offsite radiological emergency plans and preparedness. In addition, 44 CFR 350.9 describes the exercise process and

requirements that States, together with all appropriate local governments, must conduct a joint exercise of that State plan, involving full participation of appropriate local government entities, the State and the appropriate licensee of the NRC. Approved plans and preparedness ''must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency.''

FEMA defines reasonable assurance as a determination that State, Tribal, local, and utility offsite plans and preparedness are adequate to protect public health and safety in the EPZ of commercial NPP. FEMA will consider plans, procedures, personnel, training, facilities, equipment, drills, and exercises, which in its professional judgment are critical for effective implementation of protective measures offsite in the event of any incident at a commercial NPP. FEMA will make its adequacy determination, supported by other Federal agencies, as necessary, by conducting inspections, providing Staff Assistance Visits (SAVs), organizing, conducting and reviewing training, participating in, observing and evaluating drills and exercises, and by being an engaged partner with Federal, State, Tribal, and local government officials and industry stakeholders.

State, Tribal, or local government participation in offsite radiological emergency planning and preparedness is voluntary. However, participation in the REP planning and preparedness process necessitates adherence to the program requirements as set forth in 44 CFR part 350, the joint NRC/FEMA document NUREG–0645/FEMA–REP–1, Rev. 2, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' (and supplements), and the REP Program Manual (RPM). The RPM consolidates many of the REP Program's operative guidance and policy documents into one location and provides guidance that interprets the planning standards and evaluation criteria contained in NUREG–0654 and 44 CFR part 350. See 76 FR 72431, November 23, 2011.

As part of our collection to fulfill one of FEMA's missions, each instrument is required for the performance of duties related to the mission. Therefore, due to the maturity of the program and the opportunity to reduce burden cost, there is an opportunity to consolidate, improve, or remove collection instruments. Consequently, collection instrument 44 CFR 350.9 (c) was added to collect information and relief requests from exercise schedule outlined in 44 CFR 350.9. Additionally, to further reduce burden cost, 44 CFR 352.4 has been removed as it currently does not require approval under the Paperwork Reduction Act (PRA) with FEMA only receiving one or no responses in a given year.

Collection of Information

Title: Federal Assistance for Offsite Radiological Emergency Preparedness and Planning.

Type of Information Collection: Extension, without change, of a currently approved information collection].

OMB Number: 1660–0024.

FEMA Forms: There are no forms for this collection; rather the regulatory text details the content in which information is transmitted to FEMA.

Abstract: The intent of this request is the collection of comments on an extension, without change, of a currently approved information collection an OMB control number representing all information collections related to FEMA REP Program requirements described in 44 CFR parts 350 and 352.

Affected Public: State, local or Tribal government.

Estimated Number of Respondents: 104.

Estimated Number of Responses: 104.

Estimated Total Annual Burden Hours: 3,400.

Estimated Total Annual Respondent Cost: $223,176.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $652,598.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2022–12117 Filed 6–6–22; 8:45 am]

BILLING CODE 9111–21–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4609–DR; Docket ID FEMA–2022–0001]

Tennessee; Amendment No. 6 to Notice of a Major Disaster Declaration

Correction

In notice document 2022–11915 appearing on page 33804 in the issue of Friday, June 3, 2022, make the following correction:

On page 33805, in the second column, in the line second from the bottom, ''11905'' should read ''11915''.

[FR Doc. C1–2022–11915 Filed 6–3–22; 4:15 pm]

BILLING CODE 0099–10–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2218]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; Department of Homeland Security.

ACTION: Notice; correction.

SUMMARY: On March 8, 2022, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table to be used in lieu of the erroneous information. The table provided here represents the proposed flood hazard determinations and communities affected for Chippewa County, Wisconsin, and Incorporated Areas.

DATES: Comments are to be submitted on or before September 6, 2022.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are

available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2218, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 87 FR 12971 in the March 8, 2022, issue of the **Federal Register**, FEMA published a table titled ''Chippewa County, Wisconsin, and Incorporated Areas''. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations in Chippewa County, Wisconsin, featured in the table. In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Chippewa County, Wisconsin and Incorporated Areas	
Project: 11–05–2527S Preliminary Date: September 29, 2020	
City of Chippewa Falls	City Hall, Inspection Zoning Office, 30 West Central Street, Chippewa Falls, WI 54729.

[FR Doc. 2022–12220 Filed 6–6–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB–2022–0008]

RIN 1653–ZA28

Employment Authorization for Cameroonian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Crises in Cameroon

AGENCY: U.S. Immigration and Customs Enforcement; Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Cameroon, regardless of country of birth (or individuals having no nationality who last habitually resided in Cameroon), and who are experiencing severe economic hardship as a direct result of the crises in Cameroon. The Secretary is taking action to provide relief to these Cameroonian nonimmigrant students who are lawful F–1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F–1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F–1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a ''full course of study'' for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This F–1 visa action is in effect from June 7, 2022, through December 7, 2023.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536–5600; email: *sevp@ice.dhs.gov,* telephone: (703) 603–3400. This is not

a toll-free number. Program information can be found at *https://www.ice.gov/sevis/.*

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Cameroon regardless of country of birth (or individuals having no nationality who last habitually resided in Cameroon), who are present in the United States in lawful F–1 nonimmigrant student status on the date of publication of this notice, and who are experiencing severe economic hardship as a direct result of the crises in Cameroon. Effective with this publication, suspension of the employment limitations is available through December 7, 2023, for those who are in lawful F–1 nonimmigrant status. DHS will deem an F–1 nonimmigrant student granted employment authorization through this notice to be engaged in a ''full course of study'' for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.[1] *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F–1 nonimmigrant students who meet all of the following conditions:

(1) Are a citizen of Cameroon regardless of country of birth (or an individual having no nationality who last habitually resided in Cameroon);

(2) Were lawfully present in the United States in F–1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i), on the date of publication of this notice;

(3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment for F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the crises in Cameroon.

This notice applies to F–1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F–1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to Cameroonian F–1 nonimmigrant students experiencing severe economic hardship due to the crises in Cameroon. Based on its review of country conditions in Cameroon and input received from the U.S. Department of State on the emergent circumstances in Cameroon, DHS is taking action to allow eligible F–1 nonimmigrant students from Cameroon (or individuals having no nationality who last habitually resided in Cameroon) to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

The ongoing violence between government forces and armed separatists in the English-speaking regions (Northwest and Southwest), as well as deadly attacks by the terrorist organization Boko Haram (including its breakaway faction, ISIS-West Africa and vigilante self-defense groups in the Far North Region) continue to negatively impact the populations in the affected regions and beyond.[2] Thousands of people have been killed in the English-speaking regions, and hundreds of thousands more remain in internally displaced persons camps, while tens of thousands have sought refuge in the neighboring country of Nigeria.[3] Moreover, the government has increased restrictions on political opposition groups and civil society and there are reports that the government of Cameroon has committed human rights violations and abuses.[4] The three issues—crisis in the English-speaking regions, instability in the Far North Region, and restrictions on political space and reports of human rights violations and abuse[5]—have led to various challenges, including violence against civilians, a humanitarian crisis, and economic decline.[6]

As of April 22, 2022, approximately 1,020 F–1 nonimmigrant students from Cameroon (or individuals having no nationality who last habitually resided in Cameroon) are in the United States and are enrolled at SEVP-certified academic institutions. Given the extent of the crises in Cameroon, affected

[1] Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a ''full course of study,'' *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of December 7, 2023, provided the student satisfies the minimum course load requirements in this notice. DHS also considers students who engage in online coursework pursuant to U.S. Immigration and Customs Enforcement (ICE) coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, *https://www.ice.gov/coronavirus* (last visited May 10, 2022).

[2] *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions,* Amnesty International, Jul. 28, 2021, available at: *https://www.amnesty.org/en/latest/press-release/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/* (last visited May 10, 2022); *Separatism in Cameroon: 5 years of violent civil war,* Deutsche Welle (DW), Oct. 1, 2021, available at: *https://www.dw.com/en/separatism-in-cameroon-5-years-of-violent-civil-war/a-59369417* (last visited May 10, 2022); *Cameroon: Nine Killed in Army Attack,* Human Rights Watch, Feb. 4, 2021, available at: *https://www.hrw.org/news/2021/02/04/cameroon-nine-killed-army-attack* (last visited May 10, 2022); *Boko Haram Violence against Civilians Spiking in Northern Cameroon,* Africa Center for Strategic Studies, Nov. 13, 2020, available at: *https://africacenter.org/spotlight/boko-haram-violence-against-civilians-spiking-in-northern-cameroon/* (last visited May 10, 2022).

[3] *Cameroon Multi-country Operations (MCO) Factsheet,* UNHCR, Jul. 2021, available at: *https://reporting.unhcr.org/sites/default/files/UNHCR%20MCO%20CAMEROON%20FACTSHEET%20%20JULY%202021.pdf* (last visited May 10, 2022); POCs February 2022, UNHCR data portal, Feb. 2022, available at: *https://data2.unhcr.org/en/documents/download/91170* (last visited May 10, 2022); UNHCR Cameroon MCO Factsheet—January 2022, Mar. 9, 2022, available at: *https://reliefweb.int/report/cameroon/unhcr-cameroon-mco-factsheet-january-2022* (last visited May 10, 2022).

[4] 2021 Country Reports on Human Rights Practices: Cameroon, U.S. Department of State, 2021, available at: *https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cameroon/* (last visited May 10, 2022); *Cameroon: Key Issues and U.S. Policy,* Congressional Research Service, Sept. 22, 2021, available at: *https://crsreports.congress.gov/product/pdf/R/R46919/2* (last visited May 10, 2022).

[5] See generally CAMEROON 2021, Amnesty International, 2022, available at: *https://www.amnesty.org/en/location/africa/west-and-central-africa/cameroon/report-cameroon/* (last visited May 13, 2022); Cameroon: Boko Haram Attacks Escalate in Far North, Human Rights Watch, Apr. 5, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited May 13, 2022); Human Rights in Africa: Review of 2019—Cameroon [AFR 01/1352/2020], Amnesty International, 2020, Apr. 8, 2020, available at: *https://www.ecoi.net/en/document/2028266.html* (last visited May 13, 2022).

[6] *The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon: Assessing the Economic and Social Impacts,* World Bank Group, Jan. 2021, available at: *https://documents1.worldbank.org/curated/en/795921624338364910/pdf/The-Socio-Political-Crisis-in-the-Northwest-and-Southwest-Regions-of-Cameroon-Assessing-the-Economic-and-Social-Impacts.pdf* (last visited May 10, 2022).

students whose primary means of financial support comes from Cameroon may need to be exempt from the normal student employment requirements to continue their studies in the United States. The crises have made it unfeasible for many students to safely return to Cameroon for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement to maintain valid F–1 nonimmigrant status under this notice?

Undergraduate F–1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v). Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F–1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F–1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless their course of study is in an English language study program.[7] *See* 8 CFR 214.2(f)(6)(i)(G). An F–1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain ''class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,'' as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

May an eligible F–1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F–1 nonimmigrant student who is a Cameroonian citizen, regardless of country of birth (or an individual having no nationality who last habitually resided in Cameroon), who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F–1 nonimmigrant student may benefit without having to apply for a new Form I–766, Employment Authorization Document (EAD). To benefit from this notice, the F–1 nonimmigrant student must request that the designated school official (DSO) enter the following statement in the remarks field of the Student and Exchange Visitor Information System (SEVIS) student record, which the student's Form I–20, Certificate of Eligibility for Nonimmigrant (F–1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert ''on-campus'' or ''off-campus,'' depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].

Must the F–1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her ''full course of study''?

No. DHS will deem an F–1 nonimmigrant student who receives and comports with the employment authorization permitted under this notice to be engaged in a ''full course of study''[8] for the duration of the student's employment authorization, provided that a qualifying undergraduate level F–1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F–1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term.[9] *See* 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F–1 nonimmigrant status.

Will an F–2 dependent (spouse or minor child) of an F–1 nonimmigrant student covered by this notice be eligible to apply for employment authorization?

No. An F–2 spouse or minor child of an F–1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F–2 nonimmigrant status, as required under 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F–1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F–1 nonimmigrant students who meet the following conditions:

(1) Are a citizen of Cameroon regardless of country of birth (or an individual having no nationality who last habitually resided in Cameroon);

(2) Were lawfully present in the United States in F–1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i) on the date of publication of this notice;

(3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F–1 nonimmigrant students;

(4) Are maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the crises in Cameroon.

An F–1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing

[7] DHS considers students who are compliant with ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such COVID–19 guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, *https://www.ice.gov/coronavirus* (last visited May 10, 2022).

[8] *See* 8 CFR 214.2(f)(6).

severe economic hardship as a direct result of the crises in Cameroon).

Does this notice apply to a continuing F–1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F–1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F–1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I–20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F–1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F–1 status?

Yes. However, this notice does not by itself reduce the required course load for F–1 nonimmigrant students from Cameroon enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F–1 nonimmigrant students regardless of educational level. Eligible F–1 nonimmigrant students from Cameroon enrolled in an elementary school, middle school, or high school may benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session. Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

On-Campus Employment Authorization

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F–1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F–1 nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F–1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered a recommendation in SEVIS and entered the following statement in the remarks field of the SEVIS student record, which will be reflected on the student's Form I–20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the crises in Cameroon. An F–1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time employment on-campus when school is not in session or during school vacations apply, as required under 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F–1 nonimmigrant student status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a ''full course of study'' [10] for the purpose of maintaining their F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, as required under 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the academic institution's minimum course load requirement for continued enrollment.[11]

[10] *See* 8 CFR 214.2(f)(6).

[11] The minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 nonimmigrant student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a ''full course of study'' [12] for the purpose of maintaining F–1 nonimmigrant student status for the duration of the student's employment authorization if the student satisfies the minimum course load requirement described in this notice, as required under 8 CFR 214.2(f)(6)(i)(F). However, the authorization for a reduced course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if such reduced course load would not meet the school's minimum course load requirement.[13]

[12] *See* 8 CFR 214.2(f)(6).

[13] The minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

How may an eligible F–1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F–1 nonimmigrant student must file a Form I–765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic hardship directly resulting from the crises in Cameroon. Filing instructions are located at *https://www.uscis.gov/i-765.*

Fee considerations. Submission of a Form I–765 currently requires payment of a $410 fee. An applicant who is unable to pay the fee may submit a completed Form I–912, Request for Fee Waiver, along with the Form I–765, Application for Employment Authorization. *See www.uscis.gov/feewaiver.* The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). *See* 8 CFR 103.7(c).

Supporting documentation. An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to the student's DSO:

(1) This employment is necessary to avoid severe economic hardship; and

(2) The hardship is a direct result of the crises in Cameroon.

If the DSO agrees that the F–1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by making a recommendation in SEVIS and then entering the following statement in the remarks field of the SEVIS student record, which will then appear on that student's Form I–20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I–766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].

The F–1 nonimmigrant student must then file the properly endorsed Form I–20 and Form I–765 according to the instructions for the Form I–765. The F–1 nonimmigrant student may begin working off-campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F–1 nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F–1 nonimmigrant student is in good academic standing and is carrying a ''full course of study'' [14] at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Cameroon, regardless of country of birth (or an individual having no nationality who last habitually resided in Cameroon), and is experiencing severe economic hardship as a direct result of the crises in Cameroon, as documented on the Form I–20;

(c) The F–1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level; [15] and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the crises in Cameroon.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F–1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes all of the following documents:

(1) A completed Form I–765;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c); and

(3) A signed and dated copy of the student's Form I–20 with the appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase ''SPECIAL STUDENT RELIEF.'' Failure to include this notation may result in significant processing delays.

If USCIS approves the student's Form I–765, USCIS will send the student a Form I–766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

[14] *See* 8 CFR 214.2(f)(6).

[15] 8 CFR 214.2(f)(5)(v).

Temporary Protected Status (TPS) Considerations

Can an F–1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F–1 nonimmigrant student who has not yet applied for TPS or for other relief that reduces the student's course load per term and permits an increased number of work hours per week, such as Special Student Relief,[16] under this notice has two options.

Under the first option, the nonimmigrant student may apply for TPS according to the instructions in the USCIS notice designating Cameroon for TPS (published elsewhere in this issue of the **Federal Register**). All TPS applicants must file a Form I–821, Application for Temporary Protected Status with the appropriate fee (or request a fee waiver). Although not required to do so, if F–1 nonimmigrant students want to obtain a new EAD based on their TPS application that is valid through December 7, 2023, and to be eligible for automatic EAD extensions that may be available to EADs with an A–12 or C–19 category code, they must file Form I–765 and pay the Form I–765 fee (or request a fee waiver). After receiving the TPS-related EAD, an F–1 nonimmigrant student may request that their DSO make the required entry in SEVIS, issue an updated Form I–20, as described in this notice, and notate that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate their nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains their TPS, then the student maintains F–1 status and TPS concurrently.

Under the second option, the nonimmigrant student may apply for an EAD under Special Student Relief by filing Form I–765 with the location specified in the filing instructions. At the same time, the F–1 nonimmigrant student may file a separate TPS application but must submit the Form I–821 according to the instructions provided in the **Federal Register** notice designating Cameroon for TPS. If the F–1 nonimmigrant student has already applied for employment authorization under Special Student Relief, they are not required to submit the Form I–765 as part of the TPS application. However,

[16] *See* DHS Study in the States, Special Student Relief, *https://studyinthestates.dhs.gov/students/special-student-relief* (last visited May 10, 2022).

some nonimmigrant students may wish to obtain a TPS-related EAD in light of certain extensions that may be available to EADs with an A–12 or C–19 category code. The nonimmigrant student should check the appropriate box when filling out Form I–821 to indicate whether a TPS-related EAD is being requested. Again, so long as the nonimmigrant student maintains the minimum course load described in this notice and does not otherwise violate the student's nonimmigrant status, included as provided under 8 CFR 214.1(g), the nonimmigrant will be able to maintain compliance requirements for F–1 nonimmigrant student status while having TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F–1 nonimmigrant student must maintain normal course load requirements for a ''full course of study'' [17] unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (*e.g.,* clock hours for language students). Once approved for Special Student Relief employment authorization, the F–1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level). *See* 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a TPS-related EAD. The F–1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the crises in Cameroon. The DSO will then verify and update the student's record in SEVIS to enable the F–1 nonimmigrant student with TPS to reduce the course load without any further action or application. No other EAD needs to be issued for the F–1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F–1 nonimmigrant student status after the noncitizen's F–1 nonimmigrant student status has lapsed?

Yes. Current regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. These students must satisfy the criteria set forth in the F–1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until December 7, 2023,[18] to eligible F–1 nonimmigrant students. DHS will continue to monitor the situation in Cameroon. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the crises in Cameroon must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by making a recommendation in SEVIS and entering information in the remarks field of the SEVIS student record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

This notice also allows an eligible F–1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

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BILLING CODE 9111–28–P

[17] *See* 8 CFR 214.2(f)(6).

[18] Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a ''full course of study,'' *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of December 7, 2023, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, *https://www.ice.gov/coronavirus* (last visited May 10, 2022).

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2707–21; DHS Docket No. USCIS–2022–0005]

RIN 1615–ZB95

Designation of Cameroon for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) designation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Cameroon for Temporary Protected Status (TPS) for 18 months, effective June 7, 2022, through December 7, 2023. This designation allows Cameroonian nationals (and individuals having no nationality who last habitually resided in Cameroon) who have continuously resided in the United States since April 14, 2022, and who have been continuously physically

present in the United States since June 7, 2022, to apply for TPS.

DATES:

Designation of Cameroon for TPS: The 18-month designation of Cameroon for TPS is effective on June 7, 2022, and will remain in effect for 18 months, through December 7, 2023.

Registration: The registration period for individuals to submit TPS applications begins June 7, 2022, and will remain in effect through December 7, 2023.

FOR FURTHER INFORMATION CONTACT:

René Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.

For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at *uscis.gov/tps.* You can find specific information about Cameroon's TPS designation by selecting ''Cameroon'' from the menu on the left side of the TPS web page.

If you have additional questions about TPS, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *uscis.gov,* or visit the USCIS Contact Center at *uscis.gov/contactcenter.*

Further information will also be available at local USCIS offices upon publication of this notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Form I–765—Application for Employment Authorization
Form I–797—Notice of Action (Approval Notice)
Form I–821—Application for Temporary Protected Status
Form I–9—Employment Eligibility Verification
Form I–912—Request for Fee Waiver
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section
IJ—Immigration Judge
INA—Immigration and Nationality Act
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for nationals of Cameroon (or individuals having no nationality who last habitually resided in Cameroon) to submit an initial registration application under the designation of Cameroon for TPS and apply for an Employment Authorization Document (EAD). Under the designation, individuals must submit an initial Cameroon TPS application (Form I–821) and they may also submit an Application for Employment Authorization (Form I–765), during the 18-month initial registration period that runs from June 7, 2022, through December 7, 2023.[1] In addition to demonstrating continuous residence in the United States since April 14, 2022,[2] and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since June 7, 2022, the effective date of this designation of Cameroon, before USCIS may grant them TPS. DHS estimates that approximately 11,700 individuals are eligible to file applications for TPS under the designation of Cameroon.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a foreign state's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or
  - Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

Why was Cameroon designated for TPS?

Based on DHS's review of country conditions in Cameroon, and in consultation with the Department of State (DOS), the Secretary has determined that an 18-month TPS designation is warranted because of ongoing armed conflict and the extraordinary and temporary conditions described below.

Overview

The extreme violence between government forces and armed separatists in the English-speaking regions (Northwest and Southwest) of Cameroon, as well as deadly attacks by the terrorist organization Boko Haram (including its breakaway faction, ISIS-West Africa (ISWAP) and vigilante self-defense groups in the Far North Region) continue to negatively impact the

[1] In general, individuals must be given an initial registration period of no less than 180 days to register for TPS, but the Secretary has discretion to provide for a longer registration period. *See* 8 U.S.C. 1254a(c)(1)(A)(iv). In keeping with the humanitarian purpose of TPS and advancing the goal of ensuring ''the Federal Government eliminates . . . barriers that prevent immigrants from accessing government services available to them'' under *Executive Order 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,* 86 FR 8277 (Feb. 5, 2021), the Secretary has recently exercised his discretion to provide for TPS initial registration periods that coincide with the full period of a TPS country's initial designation or redesignation. *See, e.g.,* 86 FR 41863 (Aug. 3, 2021) (providing 18-mos. registration period under new TPS designation of Haiti); 86 FR 41986 (Aug. 4, 2021) (''Extension of Initial Registration Periods for New Temporary Protected Status Applicants Under the Designations for Venezuela, Syria and Burma). For the same reasons, the Secretary is similarly exercising his discretion to provide applicants under this TPS designation of Cameroon with an 18-month initial registration period.

[2] The ''continuous physical presence date'' (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the **Federal Register** or such later date as the Secretary may establish. The ''continuous residence date'' (CR) is any date established by the Secretary when a country is designated (or sometimes redesignated) for TPS. *See* INA section 244(b)(2)(A) (effective date of designation); 244(c)(1)(A)(i)–(ii) (discussing CR and CPP date requirements).

populations in the affected regions and beyond.[3] Thousands of people have been killed in the English-speaking regions, and hundreds of thousands more remain in internally displaced person camps, while tens of thousands have sought refuge in the neighboring country of Nigeria. Moreover, the government has increased restrictions on political opposition groups and civil society and there are reports that the government of Cameroon has committed human rights violations and abuses. As detailed below, the crisis in the English-speaking regions, instability in the Far North Region, and restrictions on political space and reports of human rights violations and abuses have led to various challenges, including violence against civilians, a humanitarian crisis, and economic decline.[4]

Security Situation

i. The Crisis in the English-Speaking Regions

The English-speaking regions—the Southwest and Northwest—make up approximately 20% of the country's population.[5] The two regions continue to suffer from extreme violence, a crisis more severe than any other in contemporary Cameroon.[6] In 2016, the peaceful protests calling for federalism led to fighting and to a demand for full independence after the government clamped down on protest leaders.[7] On October 1, 2017, separatist groups unilaterally declared an independent state called the Republic of Ambazonia.[8] The declaration escalated confrontation and paved the way for more human rights abuses in the two English-speaking regions.

Since 2017, confrontation between government forces and separatists has ''killed more than 3,000 people, forced over 900,000 people from their homes, and kept around 800,000 children out of school.'' [9] In 2020, the United Kingdom Home Office report assessed, ''[o]ne in 3 people in the Anglophone regions are in need of humanitarian aid, including assistance with education, food, healthcare, shelter, water and sanitation. Many of the internally displaced persons (IDPs) remain in the English-speaking regions, hiding in remote bush areas. Sexual assault, exploitation and rape are frequently reported by female IDPs, and humanitarian assistance is hampered by the volatile security situation, especially in remote areas.'' [10] According to Amnesty International, both the Cameroonian armed forces and the various separatist groups involved in the fighting in Cameroon's English-speaking regions have engaged in human rights abuses, and civilians are caught in the middle.[11]

Separatist groups kill security forces and commit serious abuses against civilians, including unlawful killings, often involving mutilations.[12] They have targeted civil servants, relatives of members of defense and security forces, and ordinary people who fail to adhere to lockdowns (referred to as ''ghost towns'') and instructions to close schools.[13] Ghost town operations require businesses to close and residents to largely stay home, limiting much economic activity. As of September 2021, ''deadly attacks by various separatist groups on military posts and vehicles of the Cameroonian army continue to be a daily occurrence.'' [14]

Regarding abuses by the Cameroonian government, its security forces have targeted civilians, leading analysts to note that ''killing civilians and looting their homes in the name of security are serious human rights crimes that fuel the escalating cycles of violence and abuse in Cameroon's Anglophone regions.'' [15]

In September 2019, amid increasing violence and following sustained international pressure, President Biya called for a national dialogue, a series of nationwide discussions aimed at addressing the crisis.[16] The dialogue took place between September 30 and October 4, 2019, and resulted in a series of recommendations, including changing the country's name back to the ''United Republic of Cameroon'' and the adoption of a Special Status for the two English-speaking regions.[17] However, separatist groups rejected the recommendations as illegitimate.[18]

The English-speaking regions remain unsafe and marred by widespread human rights abuses. In 2020, Amnesty International reported that ''fighting between various armed groups and the Cameroonian armed forces has continued unabated for the past three years, with civilians bearing the brunt of unlawful killings, kidnappings, and

[3] *CAMEROON 2021,* Amnesty International, 2022, available at: *https://www.amnesty.org/en/location/africa/west-and-central-africa/cameroon/report-cameroon/* (last visited May 13, 2022); *Cameroon: Boko Haram Attacks Escalate in Far North,* Human Rights Watch, Apr. 5, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited May 13, 2022; *Human Rights in Africa: Review of 2019—Cameroon [AFR 01/1352/2020],* Amnesty International, 2020, Apr. 8, 2020, available at: *https://www.ecoi.net/en/document/2028266.html* (last visited May 13, 2022).

[4] *See generally CAMEROON 2021,* Amnesty International, 2022, available at: *https://www.amnesty.org/en/location/africa/west-and-central-africa/cameroon/report-cameroon/* (last visited May 13, 2022); *Cameroon: Boko Haram Attacks Escalate in Far North,* Human Rights Watch, Apr. 5, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited May 13, 2022; *Human Rights in Africa: Review of 2019—Cameroon [AFR 01/1352/2020],* Amnesty International, 2020, Apr. 8, 2020, available at: *https://www.ecoi.net/en/document/2028266.html* (last visited May 13, 2022).

[5] *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions,* Amnesty International, Jul. 28, 2021, available at: *https://www.amnesty.org/en/latest/news/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/* (last visited Apr. 14, 2022).

[6] *Cameroon's Anglophone Crisis at the Crossroads,* International Crisis Group, Aug. 2, 2017, available at: *https://www.crisisgroup.org/africa/central-africa/cameroon/250-cameroons-anglophone-crisis-crossroads/* (last visited Apr. 14, 2022).

[7] ''*These Killings Can Be Stopped*'', Human Rights Watch, Jul. 19, 2018, available at: *https://www.hrw.org/report/2018/07/19/these-killings-can-be-stopped/abuses-government-and-separatist-groups-cameroons* (last visited Apr. 14, 2022).

[8] *Ambazonia Defense Forces,* Stanford University Center for International Security and Cooperation, May 2019, available at: *https://cisac.fsi.stanford.edu/mappingmilitants/profiles/ambazonia-defense-forces* (last visited Apr. 14, 2022).

[9] *Ahead of peace talks, a who's who of Cameroon's separatist movements,* The Humanitarian, Jul. 8, 2020, available at: *https://www.thenewhumanitarian.org/analysis/2020/07/08/Cameroon-Ambazonia-conflict-peace-whos-who* (last visited Apr. 14, 2022).

[10] *Country Policy and Information Note: Cameroon: North-West/South-West crisis,* UK Home Office, Dec. 2020, available at: *https://www.justice.gov/eoir/page/file/1345186/download* (last visited Apr. 14, 2022).

[11] *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions,* Amnesty International, Jul. 28, 2021, available at: *https://www.amnesty.org/en/latest/press-release/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/* (last visited Apr. 14, 2022).

[12] *Human Rights in Africa: Review of 2019—Cameroon [AFR 01/1352/2020],* Amnesty International, 2020, Apr. 8, 2020, available at: *https://www.ecoi.net/en/document/2028266.html* (last visited May 13, 2022).

[13] *Cameroon 2019,* Amnesty International, 2020, available at: *https://www.amnesty.org/en/documents/afr01/1352/2020/en/* (last visited Apr. 14, 2022).

[14] *Separatism in Cameroon: 5 years of violent civil war,* Deutsche Welle (DW), Oct. 1, 2021, available at: *https://www.dw.com/en/separatism-in-cameroon-5-years-of-violent-civil-war/a-59369417* (last visited Apr. 14, 2022).

[15] *Cameroon: Nine Killed in Army Attack,* Human Rights Watch, Feb. 4, 2021, available at: *https://www.hrw.org/news/2021/02/04/cameroon-nine-killed-army-attack* (last visited Apr. 14, 2022).

[16] *Cameroon: Events of 2019,* Human Rights Watch, 2020, available at: *https://www.hrw.org/world-report/2020/country-chapters/cameroon* (last visited Apr. 14, 2022).

[17] *Country Policy and Information Note: Cameroon: North-West/South-West crisis,* UK Home Office, Dec. 2020, available at: *https://www.justice.gov/eoir/page/file/1345186/download* (last visited Apr. 14, 2022).

[18] *Cameroon grants 'special status' to its restive regions. They don't feel special,* African Arguments, Jan. 2020, available at: *https://africanarguments.org/2020/01/cameroon-grants-special-status-anglophone-conflict/* (last visited Apr. 14, 2022).

widespread destruction of houses and villages.'' [19]

ii. Attacks by Boko Haram in the Far North Region

Boko Haram and its breakaway faction, ISWAP,[20] continue to engage in violence in the Far North region.[21] In that region, the ongoing armed conflict between government forces and Boko Haram has killed over 3,000 Cameroonians, displaced about 250,000 and triggered the rise of vigilante self-defense groups.[22]

In November 2020, the Africa Center for Strategic Studies described the situation in the Far North Region as follows: ''Northern Cameroon has experienced the sharpest spike of Boko Haram violence in the Lake Chad Basin over the past 12 months, namely in the form of attacks on civilians . . . The number of violent incidents linked to militant Islamist groups in Cameroon's Far North Region jumped 90 percent, to roughly 400 events, over the past 12 months . . . Most of the violence reported in Cameroon has been in the form of attacks against civilians (over 59 percent). The number of attacks against civilians in Cameroon over the last 12 months (234) is higher than in Nigeria (100), Niger (92), and Chad (12) combined. These attacks consist of Boko Haram raids, kidnapping for recruitment and ransom, and looting of villages and displaced persons camps.'' [23] According to a Human Rights Watch report, Boko Haram has stepped up attacks on civilians in towns and villages in the Far North region since December 2020, killing at least 80 civilians, and looting hundreds of homes in the region.[24]

Humanitarian Crisis

As of February 2022, the extreme violence in Cameroon had triggered a large and growing humanitarian crisis, creating 936,767 IDPs within Cameroon.[25] Additionally, Cameroon hosts 478,066 refugees, 8,368 asylum seekers, and 518,853 returnees (former IDPs).[26] While people have been displaced in the English-speaking regions due to confrontation between government forces and separatist armed groups, IDPs in Cameroon's Far North Region were displaced by escalating Boko Haram attacks.[27] With respect to refugees, UNHCR has reported that tens of thousands of Cameroonians have sought refuge in neighboring Nigeria, and many others have fled to nearby forests.[28]

In addition, Cameroon is experiencing economic deterioration linked to the aforementioned violence, impacts of the COVID–19 pandemic, and oil prices.[29] In the English-speaking regions, the crisis has ''devastated the local economy and contributed to food insecurity in an already poor and remote region.'' [30] The violence has significantly impacted the economy. In hard-to-reach areas where non-state armed groups have increased their presence, ''[t]he weekly 'ghost town' [or lockdown] days, set up by nonstate armed groups, particularly affect displaced persons and host communities, limiting their movements and, therefore, their economic and agricultural activities.'' [31]

According to the World Bank, the extreme violence in the English-speaking regions has resulted in the significant destruction of critical assets; schools, health facilities, and infrastructure have been deliberately targeted and destroyed. Moreover, the arrival of IDPs in the West and Littoral regions has overstrained a health sector that was already lacking in adequate workforce, supplies, and services in those regions.[32]

Food insecurity in Cameroon is a serious concern. According to the World Bank, the food situation in the Northwest and Southwest regions is alarming and continues to worsen.[33] Additionally, ''[a]griculture has been greatly disrupted in Cameroon's Far North region, where the army is fighting against a Boko Haram insurgency, and the West, where English speaking separatist [*sic*] are trying to create a breakaway state.'' [34] According to the Africa Center for Strategic Studies, 4.9

[19] *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions,* Amnesty International, Jul. 28, 2021, available at: *https://www.amnesty.org/en/latest/press-release/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/* (last visited Apr. 14, 2022); *Separatist Fighting Continues in Cameroon a Year After Major National Dialogue,* Voice of America, Oct. 4, 2020, available at: *https://www.voanews.com/africa/separatist-fighting-continues-cameroon-year-after-major-national-dialogue* (last visited Apr. 14, 2022); *see also Ahead of peace talks, a who's who of Cameroon's separatist movements,* The New Humanitarian, Jul. 8, 2020, available at: *https://www.thenewhumanitarian.org/analysis/2020/07/08/Cameroon-Ambazonia-conflict-peace-whos-who* (last visited Apr. 14, 2022).

[20] *Boko Haram and the Islamic State West Africa Province,* Congressional Research Services, Feb. 24, 2022, available at: *https://sgp.fas.org/crs/row/IF10173.pdf* (last visited May 13, 2022).

[21] *Cameroon 2019,* Amnesty International, 2020, available at: *https://www.amnesty.org/en/location/africa/west-and-central-africa/cameroon/report-cameroon/* (last visited Apr. 14, 2022); *see also Country Report on Terrorism 2018—Chapter 1—Cameroon,* U.S. Department of State, 2018, available at: *https://www.ecoi.net/en/document/2019254.html* (last visited Apr. 14, 2022).

[22] *Cameroon,* International Crisis Group, available at: *https://www.crisisgroup.org/africa/central-africa/cameroon* (last visited Apr. 14, 2022); *see also Cameroon: Events of 2019,* Human Rights Watch, 2020, available at: *https://www.hrw.org/world-report/2020/country-chapters/cameroon* (last visited Apr. 14, 2022).

[23] *Boko Haram Violence against Civilians Spiking in Northern Cameroon,* Africa Center for Strategic Studies, Nov. 13, 2020, available at: *https://africacenter.org/spotlight/boko-haram-violence-against-civilians-spiking-in-northern-cameroon/* (last visited Apr. 14, 2022).

[24] *Cameroon: Boko Haram Attacks Escalate in Far North,* Human Rights Watch, Apr. 15, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited Apr. 14, 2022).

[25] POCs February 2022, UNHCR data portal, Feb. 2022, available at: *https://data2.unhcr.org/en/documents/download/91170* (last visited April 14, 2022); UNHCR Cameroon MCO Factsheet—January 2022, Mar. 9, 2022, available at: *https://reliefweb.int/report/cameroon/unhcr-cameroon-mco-factsheet-january-2022* (last visited Apr. 15, 2022).

[26] UNHCR, Operational Date Portal, Refugee Situations Cameroon, available at: *https://data2.unhcr.org/en/country/cmr* (last visited May 13, 2022).

[27] *Food Insecurity Crisis Mounting in Africa,* Africa Center for Strategic Studies, Feb.16, 2021, available at: *https://africacenter.org/spotlight/food-insecurity-crisis-mounting-africa/* (last visited Apr. 14, 2022).

[28] *Thousands of Cameroonians seek refuge in Nigeria, UNHCR, Oct. 13, 2017, available at: https://www.unhcr.org/en-us/news/briefing/2017/10/59f83dfe4/thousands-cameroonians-seek-refuge-nigeria.html (last visited Apr. 14, 2022).*

[29] *Cameroon Economic Outlook,* African Development Bank (ADB), available at: *https://www.afdb.org/en/countries/central-africa/cameroon* (last visited Apr. 14, 2022).

[30] *Cameroon in Focus,* Congressional Research Service, Mar. 12, 2019, available at: *https://crsreports.congress.gov/product/pdf/IF/IF10279* (last visited Apr. 14, 2022).

[31] *Country Policy and Information Note: Cameroon: North-West/South-West crisis,* UK Home Office, Dec. 2020, available at: *https://www.justice.gov/eoir/page/file/1345186/download* (last visited Apr. 14, 2022); *see also Easing Cameroon's Ethno-political Tensions, On and Offline,* International Crisis Group, Dec. 3, 2020, available at: *https://www.crisisgroup.org/africa/central-africa/cameroon/295-easing-cameroons-ethno-political-tensions-and-offline* (last visited Apr. 14, 2022).

[32] *The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon: Assessing the Economic and Social Impacts,* World Bank Group, Jan. 2021, available at: *https://documents1.worldbank.org/curated/en/795921624338364910/pdf/The-Socio-Political-Crisis-in-the-Northwest-and-Southwest-Regions-of-Cameroon-Assessing-the-Economic-and-Social-Impacts.pdf* (last visited Apr. 14, 2022).

[33] *The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon: Assessing the Economic and Social Impacts,* World Bank Group, Jan. 2021, available at: *https://documents1.worldbank.org/curated/en/795921624338364910/pdf/The-Socio-Political-Crisis-in-the-Northwest-and-Southwest-Regions-of-Cameroon-Assessing-the-Economic-and-Social-Impacts.pdf* (last visited Apr. 14, 2022).

[34] *Conflicts in Cameroon exacerbate existing food insecurity,* Deutsche Welle, May 28, 2021, available at: *https://www.dw.com/en/conflicts-in-cameroon-exacerbate-existing-food-insecurity/av-57709937* (last visited Apr. 14, 2022).

million Cameroonians faced acute food insecurity.[35]

Government Restrictions on Political Space and Human Rights Violations and Abuses

In its 2021 annual report, DOS indicated that human rights violations and abuses in Cameroon include reports of ''unlawful or arbitrary killings, including extrajudicial killings by the government and nonstate armed groups; forced disappearances by the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government and nonstate armed groups; . . . serious abuses in a conflict, including abductions and unlawful recruitment and use of child soldiers by nonstate armed groups; serious restrictions on freedom of expression and media, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and criminal libel laws; substantial interference with the right of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; . . .'' [36]

Observers assert that the government has increased restrictions on political opposition groups and civil society since President Biya won a seventh term in 2018.[37] Politically, the situation has remained tense, due in part to disputes over the 2018 presidential elections.[38] Before that election, ''Cameroonian authorities cracked down on the political opposition, violently broke up peaceful protests, and arrested hundreds of opposition party leaders, members, and supporters.'' [39] Additionally, political tensions continue between the government and the main opposition—Cameroon Renaissance Movement—led by Maurice Kamto.[40]

The ongoing violence in Cameroon has had significant civilian costs.[41] The two most disruptive crises are those between government forces and armed separatists in the English-speaking Northwest and Southwest regions of Cameroon and attacks by armed groups, such as Boko Haram jihadists, ISWAP combatants, and vigilante self-defense groups, in the Far North Region.[42] These two crises continue to have severe consequences for the population throughout the country and more specifically in the affected regions.[43] Thousands of people have been killed in the English-speaking regions, while hundreds of thousands more remain in IDP camps and tens of thousands have sought refuge in the neighboring country of Nigeria. Deadly attacks in the Far North region by Boko Haram and ISWAP continue unabated. Additionally, reports of human rights violations and abuses may create a precarious situation for some civilians. These three issues—crisis in the English-speaking regions, instability in the Far North region, and reports of human rights violations and abuses—have been creating various insurmountable challenges for people across Cameroon, including violence against civilians, economic decline and resulting humanitarian crises.

What authority does the Secretary have to designate Cameroon for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary,[44] after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[45] The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, or termination of or extension of a designation. *See* INA section 244(b)(5)(A); 8 U.S.C. 1254a(b)(5)(A).[46] The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state meets the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Notice of the Designation of Cameroon for TPS

By the authority vested in me as Secretary under INA section 244, 8

[35] *Food Insecurity Crisis Mounting in Africa,* Africa Center for Strategic Studies, Feb. 16, 2021, available at: *https://africacenter.org/spotlight/food-insecurity-crisis-mounting-africa/* (last visited Apr. 14, 2022).

[36] 2021 Country Reports on Human Rights Practices: Cameroon, U.S. Department of State, 2021, available at: *https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cameroon/* (last visited Apr. 14, 2022).

[37] *Cameroon: Key Issues and U.S. Policy,* Congressional Research Service, Sept. 22, 2021, available at: *https://crsreports.congress.gov/product/pdf/R/R46919/2* (last visited: Apr. 14, 2022).

[38] *Cameroon: Opposition Leaders Arrested,* Human Rights Watch, Feb. 1, 2019, available at: *https://www.hrw.org/news/2019/01/30/cameroon-opposition-leaders-arrested* (last visited Apr. 14, 2022).

[39] *HRW World Report for Events of 2019,* Human Rights Watch, 2020, available at: *https://www.hrw.org/world-report/2020/country-chapters/cameroon;* the main opposition leader, Maurice Kamto, who declared himself the winner of the 2018 presidential election, was arrested in February 2019 but released in October 2019. Kamto's political party, the Cameroon Renaissance Movement (*Le Mouvement pour la Renaissance du Cameroun-MRC*), boycotted the February 2020 municipal and parliamentary elections, arguing that electoral laws must be reviewed before any polls. The boycott paved the way for the ruling party to secure an overwhelming majority in parliament.

[40] *Easing Cameroon's Ethno-political Tensions, On and Offline,* International Crisis Group, Dec. 3, 2020, available at: *https://www.crisisgroup.org/africa/central-africa/cameroon/295-easing-cameroons-ethno-political-tensions-and-offline* (last visited Apr. 14, 2022).

[41] *Cameroon: Boko Haram Attacks Escalate in Far North,* Human Rights Watch, Apr. 5, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited May 13, 2022).

[42] *Cameroon: Boko Haram Attacks Escalate in Far North,* Human Rights Watch, Apr. 5, 2021, available at: *https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north* (last visited May 13, 2022).

[43] *Cameroon—Global Humanitarian Overview 2022,* United Nations, 2022, available at: *https://gho.unocha.org/cameroon* (last visited May 13, 2022).

[44] INA § 244(b)(1) prescribes this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. *See* Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135.

[45] INA § 244(b)(1) ascribes this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. *See* Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135. The Secretary may designate a country (or part of a country) for TPS on the basis of ongoing armed conflict, environmental disaster (including an epidemic), or extraordinary and temporary conditions in the country that prevent the safe return of the country's nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must request TPS. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country's nationals to remain temporarily in the United States is contrary to the U.S. national interest. *Id.,* at § 244(b)(1).

[46] This issue of judicial review is the subject of litigation. *See, e.g., Ramos* v. *Wolf,* 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* filed Nov. 30, 2020 (No. 18–16981); *Saget* v. *Trump,* 375 F. Supp. 3d 280 (E.D.N.Y. 2019).

U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Cameroon's designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are met. *See* INA sections 244(b)(1)(A) and (C), 8 U.S.C. 1254a(b)(1)(A) and (C). I estimate approximately 11,700 individuals may be eligible for TPS under the designation of Cameroon. On the basis of this determination, I am designating Cameroon for TPS for 18 months, from June 7, 2022, through December 7, 2023. See INA section 244(b)(1) and (b)(2); 8 U.S.C. 1254a(b)(1), and (b)(2).

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register for TPS

To register for TPS based on the designation of Cameroon, you must submit a Form I–821, Application for Temporary Protected Status, and pay the filing fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometrics services fee, you may request to have the fee waived. Please see additional information under the ''Biometric Services Fee'' section of this notice.

To work in the United States, you are not required to submit Form I–765 or have an Employment Authorization Document (EAD) but see below for more information if you want to work in the United States.

How can TPS beneficiaries obtain an Employment Authorization Document (EAD)?

All employees must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work. TPS applicants who want to obtain an EAD must file a Form I–765, Application for Employment Authorization, and pay the Form I–765 fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). TPS applicants may file this form along with their TPS application, or at a later date, provided their TPS application is still pending or has been approved.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Refiling an Initial TPS Registration Application After Receiving a Denial of a Fee Waiver Request

If you receive a denial of a fee waiver request, you must refile your Form I–821 for TPS along with the required fees during the registration period, which extends until December 7, 2023. You may also file for your EAD on Form I–765 with payment of the fee along with your TPS application or at any later date you decide you want to request an EAD during the registration period.

Filing Information

USCIS offers the option to applicants for TPS under Cameroon's designation to file Form I–821 and related requests for EADs online or by mail. When filing an initial TPS application, applicants can also request an EAD by submitting a completed Form I–765, Request for Employment Authorization, with their Form I–821.

Online filing: Form I–821 and I–765 are available for concurrent filing online.[47] To file these forms online, you must first create a USCIS online account.[48]

Mail filing: Mail your application for TPS to the proper address in Table 1.

Table 1—Mailing Addresses

Mail your completed Form I–821, Application for Temporary Protected Status and Form I–765, Application for Employment Authorization, Request for Fee Waiver (Form I–912), if applicable, and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are using the U.S. Postal Service (USPS)	USCIS, Attn: TPS Cameroon, P.O. Box 4091, Carol Stream, IL 60197–4091.
You are using FedEx, UPS, or DHL	USCIS, Attn: TPS Cameroon (Box 4091), 2500 Westfield Drive, Elgin, IL 60124–7836.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please mail your Form I–765 application to the appropriate mailing address in Table 1. When you are requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying (*i.e.,* registering) for TPS on the USCIS website at *uscis.gov/tps* under ''Cameroon.''

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside the United States. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I–131, Application for Travel Document, available at *www.uscis.gov/i-131.* You may file Form I–131 together with your Form I–821 or separately. When filing the Form I–131, you must:

- Select Item Number 1.d. in Part 2 on the Form I–131; and

[47] Find information about online filing at Forms Available to File Online, *https://www.uscis.gov/file-online/forms-available-to-file-online.*

[48] *https://myaccount.uscis.gov/users/sign_up.*

• Submit the fee for the Form I–131, or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver.

If you are filing Form I–131 together with Form I–821, send your forms to the address listed in Table 1. If you are filing Form I–131 separately based on a pending or approved Form I–821, send your form to the address listed in Table 2 and include a copy of Form I–797 for the approved or pending Form I–821.

TABLE 2—MAILING ADDRESSES

If you are . . .	Mail to . . .
Filing Form I–131 together with a Form I–821, Application for Temporary Protected Status.	The address provided in Table 1.
Filing Form I–131 based on a pending or approved Form I–821, and you are using the U.S. Postal Service (USPS): You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, P.O. Box 660167, Dallas, TX 75266–0867.
Filing Form I–131 based on a pending or approved Form I–821, and you are using FedEx, UPS, or DHL: You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, 2501 S State Hwy. 121 Business, Ste. 400, Lewisville, TX 75067.

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *uscis.gov/tps.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at *dhs.gov/privacy.*

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at *uscis.gov,* or visit the USCIS Contact Center at *https://www.uscis.gov/contactcenter.* If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at *egov.uscis.gov/e-request/Intro.do* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

When hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on the last page of Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at *uscis.gov/i-9-central/acceptable-documents.* Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I–9 on the I–9 Central web page at *https://www.uscis.gov/i-9-central.* An EAD is an acceptable document under List A.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through December 7, 2023, then you must file Form I–765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status or proof of my Cameroonian citizenship or a Form I–797C showing that I registered for TPS for Form I–9 completion?

No. When completing Form I–9, employers must accept any documentation you choose to present from the Form I–9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request proof of Cameroonian citizenship or proof of registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. Refer to the ''Note to Employees'' section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@uscis.dhs.gov.* USCIS accepts calls and emails in English and many other

languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@uscis.dhs.gov.* USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I–9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I–9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Form I–9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS and E-Verify websites at *https://www.uscis.gov/i-9-central* and *https://www.e-verify.gov.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, individuals approved for TPS may show their Form I–797, Notice of Action, indicating approval of their Form I–821 application, or their EAD with category code A12 or C19 to prove that they have TPS or a pending TPS application. However, while Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

- Your new EAD with a TPS category code of A12 or C19, regardless of your country of birth;
- Your Form I–94, Arrival/Departure Record; or
- Your Form I–797, Notice of Action, reflecting approval of your Form I–765; or
- Your Form I–797, Notice of Action, reflecting approval or receipt of a current Form I–821, if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. SAVE can verify when an individual has TPS based on the documents above. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at *https://www.save.uscis.gov/casecheck/.*

CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (A-number, USCIS number or Form I–94 number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, *www.uscis.gov/save/save-resources,* has detailed information on how to make corrections or update your immigration record, make an appointment, or submit a written request to correct records.

[FR Doc. 2022–12229 Filed 6–6–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033998; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Wisconsin Oshkosh has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Wisconsin Oshkosh. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Wisconsin Oshkosh at the address in this notice by July 7, 2022.

FOR FURTHER INFORMATION CONTACT: Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh,

WI 54901, telephone (920) 424–1365, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Wisconsin Oshkosh, Oshkosh, WI. The human remains were removed from the Bangs Burial Site (47–GL–0187), Green Lake County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Wisconsin Oshkosh professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Ho-Chunk Nation of Wisconsin; Kickapoo Tribe of Oklahoma; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Fond du Lac Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (*previously* listed as Huron Potawatomi, Inc.); Oneida Nation (*previously* listed as Oneida Tribe of Indians of Wisconsin); Onondaga Nation; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (*previously* listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sokaogon Chippewa Community, Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; Winnebago Tribe of Nebraska; and one non-federally recognized Indian group, the Brothertown Indian Nation.

An invitation to consult was extended to the Cayuga Nation; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (*previously* listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Hannahville Indian Community, Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Bois Forte Band (Nett Lake); Grand Portage Band; Leech Lake Band); Oglala Sioux Tribe (*previously* listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Oneida Indian Nation (*previously* listed as Oneida Nation of New York); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Prairie Island Indian Community in the State of Minnesota; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saint Regis Mohawk Tribe (*previously* listed as St. Regis Band of Mohawk Indians of New York); Santee Sioux Nation, Nebraska; Seneca Nation of Indians (*previously* listed as Seneca Nation of New York); Seneca-Cayuga Nation (*previously* listed as Seneca-Cayuga Tribe of Oklahoma); Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; The Osage Nation (*previously* listed as Osage Tribe); Tonawanda Band of Seneca (*previously* listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; Upper Sioux Community, Minnesota; Yankton Sioux Tribe of South Dakota; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians; and the Grand River Band of Ottawa Indians.

Hereafter, all Indian Tribes and groups listed in this section are referred to as ''The Consulted and Notified Tribes and Groups.''

History and Description of the Remains

Sometime around 1915, human remains representing, at minimum, one individual were removed from the Bangs Burial Site (47–GL–0187), Green Lake County, WI, by J.W. Bangs. The human remains (47GL0187_BANGS.0001.HR.0001a through 47GL0187_BANGS.0001.HR.0005a) were reportedly taken from the side of a gravel pit, next to a gravely knoll. In 1991, William Bangs of Kingston, WI, donated the human remains to the University of Wisconsin Oshkosh. The human remains belong to a male, whose age is estimated to be older than 40 years. No known individual was identified. No associated funerary objects are present.

Determinations Made by the University of Wisconsin Oshkosh

Officials of the University of Wisconsin Oshkosh have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context and biological evidence.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and

Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska.

• According to other authoritative government sources, the land from which the Native American human remains were removed is the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (*previously* listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (*previously* listed as Huron Potawatomi, Inc.); Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (*previously* listed as Prairie Band of Potawatomi Nation, Kansas); Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (*previously* listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (*previously* listed as Huron Potawatomi, Inc.); Oglala Sioux Tribe (*previously* listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (*previously* listed as Prairie Band of Potawatomi Nation, Kansas); Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, telephone (920) 424–1365, email *friea@uwosh.edu,* by July 7, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The University of Wisconsin Oshkosh is responsible for notifying The Consulted and Notified Tribes and Groups that this notice has been published.

Dated: May 25, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–12111 Filed 6–6–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–34012; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before May 28, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by June 22, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State≤.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 28, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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

Nominations submitted by State or Tribal Historic Preservation Officers:

ARIZONA

Maricopa County

Kiva Craft Center, 7121–7141 East 5th Ave., Scottsdale, SG100007876

HAWAII

Hawaii County

B. Ikeuchi & Sons, Inc. Property, 45–495 Māmane St., Honokaʻa, SG100007882

IOWA

Van Buren County

Paine, Samuel and Mercy, House, 27421 Cty. Rd. J40, Bentonsport vicinity, SG100007880

NEW JERSEY

Burlington County

Fernbrook Historic District, 142–150 Bordentown-Georgetown Rd., Chesterfield Township, SG100007873

Mercer County

Carver Center, 40 Fowler St., Trenton, SG100007871

Morris County

Mount Vernon School, 24 Southern Blvd., Chatham Township, SG100007872

Union County

Shady Rest Golf and Country Club, 820 Jerusalem Rd., Scotch Plains Township, SG100007869

NEW MEXICO

Cibola County

St. Theresa Community Center, 400 East High St., Grants, SG100007877

NEW YORK

New York County

John James Audubon Houses, 1909 Amsterdam Ave., Manhattan, SG100007881

NORTH DAKOTA

Burleigh County

Highland Acres Historic District, Roughly bounded by Shafer St., Edwards Ave., the axis of Williams St., and South Highland Acres Rd., Bismarck, SG100007875

OHIO

Cuyahoga County

Nathaniel Hawthorne Elementary School, 3575 West 130th St., Cleveland, SG100007884

WISCONSIN

Jefferson County

Ajango, Helmut, House, 825 East St., Fort Atkinson, SG100007885

A request for removal has been made for the following resources:

NEW YORK

Suffolk County

West Meadow Beach Historic District, Trustees Rd., Stony Brook vicinity, OT04001195

WISCONSIN

Milwaukee County

Grant, Paul S. House, (Ernest Flagg Stone Masonry Houses of Milwaukee County TR), 984 East Circle Dr., Whitefish Bay, OT85002025

Additional documentation has been received for the following resource:

NEW YORK

Suffolk County

Bell, Mary E. House (Additional Documentation), 66 Railroad Ave., Center Moriches, AD100005831

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

MICHIGAN

Dickinson County

Iron Mountain Veterans Administration (VA) Hospital, (United States Third Generation Veterans Hospitals, 1946–1958 MPS), 325 East H St., Iron Mountain, MP100007870

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 1, 2022.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–12210 Filed 6–6–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034000; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Wisconsin Oshkosh has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and

present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Wisconsin Oshkosh. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Wisconsin Oshkosh at the address in this notice by July 7, 2022.

FOR FURTHER INFORMATION CONTACT: Adrienne Frie, University of Wisconsin—Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, telephone (920) 424–1365, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Wisconsin Oshkosh, Oshkosh, WI. The human remains and associated funerary objects were removed from the Reigh Site (47–WN–0001) in Winnebago County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Wisconsin Oshkosh professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Ho-Chunk Nation of Wisconsin; Kickapoo Tribe of Oklahoma; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Fond du Lac Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (*previously* listed as Huron Potawatomi, Inc.); Oneida Nation (*previously* listed as Oneida Tribe of Indians of Wisconsin); Onondaga Nation; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (*previously* listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sokaogon Chippewa Community, Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; Winnebago Tribe of Nebraska; and one non-federally recognized Indian group, Brothertown Indian Nation.

An invitation to consult was extended to the Cayuga Nation; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (*previously* listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Hannahville Indian Community, Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Bois Forte Band (Nett Lake); Grand Portage Band; Leech Lake Band); Oglala Sioux Tribe (*previously* listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Oneida Indian Nation (*previously* listed as Oneida Nation of New York); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Prairie Island Indian Community in the State of Minnesota; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saint Regis Mohawk Tribe (*previously* listed as St. Regis Band of Mohawk Indians of New York); Santee Sioux Nation, Nebraska; Seneca Nation of Indians (*previously* listed as Seneca Nation of New York); Seneca-Cayuga Nation (*previously* listed as Seneca-Cayuga Tribe of Oklahoma); Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; The Osage Nation (*previously* listed as Osage Tribe); Tonawanda Band of Seneca (*previously* listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; Upper Sioux Community, Minnesota; Yankton Sioux Tribe of South Dakota; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians; and the Grand River Band of Ottawa Indians.

Hereafter, all Indian Tribes and groups listed in this section are referred to as ''The Consulted and Notified Tribes and Groups.''

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from the Reigh Site (47–WN–0001) in Winnebago County, WI. The first reports of disturbed burials at this location date back to the 1890s. In 1953, the land on which the site was located was quarried as a source of sand and gravel, which resulted in the discovery of burials by the B.F. Miller Excavating Company. Over time, the Oshkosh Public Museum, the Wisconsin Historical Society, the University of Wisconsin-Madison, and the Wisconsin Archaeological Survey sent fieldworkers to the site; excavations continued for several years.

In the early 1990s, the human remains (47WN0001_UNKNOW.0001.HR.0001a through 47WN0001_UNKNO.0001.HR.0003a) were encountered in a storage container

labeled with the site name and Smithsonian codification number. The human remains belong to an individual of undetermined sex, whose age is estimated to be between 8.6 years and 12.4 years. The burials at this site date to the Middle Archaic Stage (calibrated ca. 5000–1700 B.C.) and the Old Copper Industry (calibrated ca. 5000–1000 B.C.). Previously, the identification of a Middle Archaic tradition was premised on the side-notched bifaces found in some of the burials, specifically the Reigh side-notched knives and projectile points. More recently, a radiocarbon date from this site provided a calibrated one sigma range of 2350–1740 B.C. No known individual was identified. The one associated funerary object is a lot of fragmentary animal bones (47WN0001_UNKNOW.0001.FA.0001).

Determinations Made by the University of Wisconsin Oshkosh

Officials of the University of Wisconsin Oshkosh have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Menominee Indian Tribe of Wisconsin; Otoe-Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Adrienne Frie, University of Wisconsin—Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901 telephone (920) 424–1365, email *friea@uwosh.edu,* by July 7, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The University of Wisconsin Oshkosh is responsible for notifying The Consulted and Notified Tribes and Groups that this notice has been published.

Dated: May 25, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–12113 Filed 6–6–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1318]

Certain Graphics Systems, Components Thereof, and Digital Televisions Containing the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 5, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Canada. A supplement to the complaint was filed on May 18, 2022. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics systems, components thereof, and digital televisions containing the same by reason of the infringement of certain claims of U.S. Patent No. 7,742,053 (''the '053 patent''), U.S. Patent No. 8,760,454 (''the '454 patent''), U.S. Patent No. 11,184,628 (''the '628 patent''), U.S. Patent No. 8,468,547 (''the '547 patent''), and U.S. Patent No. 8,854,381 (''the '381 patent''). The complaint further alleges that an industry in the United States exists and is in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2021).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 1, 2022, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–9 of the '053 patent; claims 2–11 of the '454 patent; claims 7–12 of the '628 patent; claims 16–21 of the '547 patent; and claims 15–20 of the '381 patent, and whether an industry in the United States exists or in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''(a) integrated circuits that incorporate one or more graphics processing units (GPUs); (b) printed circuit board assemblies containing the same; and (c) digital televisions containing the same'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Advanced Micro Devices, Inc., 2485 Augustine Drive, Santa Clara, California 95054

ATI Technologies ULC, 1 Commerce Valley Drive East, Markham, ON L3T 7X6, Canada

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

TCL Industries Holdings Co., Ltd., 22nd Floor, TCL Technical Tower, Huifeng Third Road, Zhongkai Development Zone, Huizhou, Guangdong, China 516006

TCL Industries Holdings (H.K.) Limited, 8th Floor, Building 22E, Phase Three, Hong Kong Science Park, Pak Shek Kok, New Territories, Hong Kong

TCL Electronics Holdings Limited, f/k/a TCL Multimedia Technology Holdings, Ltd., 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong

TCL Technology Group Corporation, TCL Technology Building, No. 17, Huifeng Third Road, Zhongkai High-tech Zone, Huizhou, Guangdong, China 516006

TTE Corporation, 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong

TCL Holdings (BVI) Limited, 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong

TCL King Electrical Appliances (Huizhou) Co. Ltd., No. 78, Huifeng Fourth Road, Zhongkai Development Zone, Huizhou, Guangdong, China 516006

Shenzhen TCL New Technologies Co., Ltd., 9th Floor, TCL Electronics Holdings Limited Building, TCL International E City, No. 1001, Zhongshan Park Road, Nanshan District, Shenzhen, Guangdong, China 518067

TCL MOKA International Limited, 7/F Hong Kong Science Park, Building 22 E, 22 Science Park East Avenue, Sha Tin, New Territories, Hong Kong

TCL Smart Device (Vietnam) Co., Ltd., No. 26 VSIP II–A, Street 32, Vietnam, Singapore Industrial Park II–A, Tan Binh Commune, Bac Tan Uyen District, Binh Duong Province, Vietnam 75000

Manufacturas Avanzadas SA de CV, Blvd. Independencia #2151, Parque Industrial Salvacar, Ciudad Juárez, Chihuahua, Mexico 32574

TCL Electronics Mexico, S de RL de CV, Av. Insurgentes Sur 1425, Insurgentes Mixcoac, Benito Juarez, Distrito Federal, Mexico 03920

TCL Overseas Marketing Ltd., 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong

Realtek Semiconductor Corp., No. 2, Innovation Road II, Hsinchu Science Park, Hsinchu 300, Taiwan

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 1, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12156 Filed 6–6–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–470–471 and 731–TA–1169–1170 (Second Review)]

Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From China and Indonesia

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing and antidumping duty orders on certain coated paper suitable for high-quality print graphics using sheet-fed presses from China and Indonesia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on December 1, 2021 (86 FR 68272) and determined on March 7, 2022, that it would conduct expedited reviews (87 FR 22231, April 14, 2022).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on June 2, 2022. The views of the Commission are contained in USITC Publication 5330 (June 2022), entitled *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China and Indonesia (Inv. Nos. 701–TA–470–471 and 731–TA–1169–1170 (Second Review)).*

By order of the Commission.

Issued: June 2, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12202 Filed 6–6–22; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1024]

Bulk Manufacturer of Controlled Substances Application: Stepan Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Stepan Company has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 8, 2022. Such persons may also file a written request

for a hearing on the application on or before August 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 2, 2022, Stepan Company, 100 West Hunter Avenue, Maywood, New Jersey 07607–1021, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cocaine	9041	II
Ecgonine	9180	II

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates or for sale to its customers.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–12198 Filed 6–6–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1021]

Bulk Manufacturer of Controlled Substances Application: Pisgah Laboratories Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Pisgah Laboratories Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 8, 2022. Such persons may also file a written request for a hearing on the application on or before August 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on March 9, 2022, Pisgah Laboratories Inc., 3222 Old Hendersonville Highway, Pisgah Forest, North Carolina 28768, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Difenoxin	9168	I
Diphenoxylate	9170	II
Levorphanol	9220	II
Meperidine	9230	II
Methadone	9250	II
Remifentanil	9739	II
Tapentadol	9780	II

The company plans to bulk manufacture the above-listed controlled substances in bulk for distribution to its customers. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–12197 Filed 6–6–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Proposed Interim Settlement and Crediting Agreement Under Comprehensive Environmental Response, Compensation and Liability Act

As of May 25, 2022, the United States Fish and Wildlife Service (''USFWS''), on behalf of the Department of the Interior, the National Oceanic and Atmospheric Administration (''NOAA''), on behalf of the Department of Commerce, (collectively, the ''Trustees''), the Department of Justice, and potentially responsible party (''PRP'') BASF Corporation (''BASF'') signed a proposed non-judicial Interim Settlement and Crediting Agreement concerning early natural resource restoration work under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* for a five-acre property in East Newark, New Jersey. The United States contends BASF and other PRPs are liable for natural resource damages under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), concerning the Diamond Alkali Superfund Site, including Newark Bay and the upstream 17 mile stretch of the Passaic River, and the Berry's Creek Study Area, Bergen County, New Jersey (collectively ''the Sites''). The proposed agreement facilitates early natural resource restoration work, and provides for credit for accomplished early restoration work, in advance of the

Trustees' completion of a damage assessment or the filing of legal actions against parties liable under CERCLA at the Sites.

The agreement provides for the completion of natural resource restoration work as described below, in return for a $73.5 million credit to offset liability for natural resource damages at the Sites. The amount of credit is based on the Trustees' estimate of the cost of undertaking the work themselves. The agreement specifies that the work only partially provides compensation for natural resource damage liability at the Sites, and reserves the Trustees' rights for further recovery against any PRP, including BASF. The proposed location for the restoration work is at the intersection of Clay Street and Passaic Avenue in East Newark, New Jersey. The project includes five acres adjacent to the Passaic River, and includes the transformation of a former manufacturing site of BASF and an adjacent property, into restored naturalized flora and fauna with a hydrological connection to the River. BASF will undertake the design and construction, provide funding for future operation and maintenance, reimburse Trustee oversight costs, and impose a conservation easement and restriction on the property to protect against future development. The work also includes creation of public access to the River.

The publication of this notice opens a period for public comment on the proposed agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In Re BASF and Trustees Interim Settlement Agreement,* D.J. Ref. No. 90–11–3–07683/14. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree and Non-Judicial Settlement Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $9.50, without appendices (25 cents per page reproduction cost), or for $21.25, with appendices, payable to the United States Treasury.

Susan M. Akers,

Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2022–12154 Filed 6–6–22; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Main Fan Operation and Inspection (I–A, II–A, III, and V–A Mines)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 7, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Potentially gassy (explosive) conditions underground are largely controlled by the main fans. When accumulations of explosive gases, such as methane, are not swept from the mine by the main fans, they may reasonably be expected to contact an ignition source. The results of such contacts are usually disastrous, and multiple fatalities may be reasonably expected to occur. The standard contains significantly more stringent requirements for main fans in ''gassy'' mines than for main fans in other mines. Title 30 CFR 57.22204, which only applies to metal and nonmetal underground mines that are categorized as ''gassy,'' requires main fans to have pressure-recording systems. This standard also requires main fans to be inspected daily while operating if persons are underground and certification made of such inspections by signature and date. Certifications and pressure recordings must be retained for one year and made available to authorized representatives of the Secretary. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 26, 2022 (87 FR 4048).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Main Fan Operation and Inspection (I–A, II–A, III, and V–A mines).

*OMB Control Number:*1219–0030.

Affected Public: Business or other for-profit.

Total Estimated Number of Respondents: 6.

*Total Estimated Number of Responses:*5,940.

Total Estimated Annual Time Burden: 2,046 hours.

Total Estimated Annual Other Costs Burden: $6000.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–12177 Filed 6–6–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

AGENCY: Office of Workers' Compensation Programs, Department of Labor.

ACTION: Announcement of meeting of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Advisory Board will meet June 29, 2022, via teleconference, from 1 p.m. to 4 p.m. Eastern time.

ADDRESSES: Submission of comments and materials for the record: You must submit comments, materials, and special requests for the Advisory Board meeting by June 22, 2022, identified by the Advisory Board name and the meeting date of June 29, 2022, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify in the email subject line, for example ''Request to Speak: Advisory Board on Toxic Substances and Worker Health'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW, Washington, DC 20210.

Instructions: Your submissions must include the Agency name (OWCP), the committee name (the Advisory Board), and the meeting date (June 29, 2022). Due to security-related procedures, receipt of submissions by regular mail may experience significant delays. For additional information about submissions, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OWCP will make available publicly, without change, any comments and speaker presentations, including any personal information that you provide. Therefore, OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

FOR FURTHER INFORMATION CONTACT: For press inquiries: Ms. Laura McGinnis, Office of Public Affairs, U.S. Department of Labor, Room S–1028, 200 Constitution Ave. NW, Washington, DC 20210; telephone (202) 693–4672; email *Mcginnis.Laura@DOL.GOV.*

SUPPLEMENTARY INFORMATION: The Advisory Board will meet via teleconference: Wednesday, June 29, 2022, from 1 p.m. to 4 p.m. Eastern time. The teleconference number and other details for participating remotely will be posted on the Advisory Board's website, *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm,* 72 hours prior to the commencement of the first meeting date. Advisory Board meetings are open to the public.

The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) the Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; (5) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and (6) such other matters as the Secretary considers appropriate. The Advisory Board sunsets on December 19, 2024.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102–3).

Agenda: The tentative agenda for the Advisory Board meeting includes:

- Review and follow-up on Advisory Board's previous recommendations, data requests, and action items;
- Discussion of resources requested;
- Discussion of beryllium disease requirements;
- Review of Board tasks and work agenda;
- Consideration of any remaining issues.

OWCP transcribes and prepares detailed minutes of Advisory Board meetings. OWCP posts the transcripts and minutes on the Advisory Board web page, *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm,* along with written comments, speaker presentations, and other materials submitted to the Advisory Board or presented at Advisory Board meetings.

Public Participation, Submissions and Access to Public Record

Advisory Board meetings: All Advisory Board meetings are open to the public. Information on how to participate in the meeting remotely will be posted on the Advisory Board's website.

Submission of comments: You may submit comments using one of the methods listed in the **SUMMARY** section. Your submission must include the Agency name (OWCP) and date for this Advisory Board meeting (June 29, 2022). OWCP will post your comments on the Advisory Board website and provide your submissions to Advisory Board members.

Because of security-related procedures, receipt of submissions by regular mail may experience significant delays.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available on the Advisory Board's web page at *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm.*

For further information regarding this meeting, you may contact Ryan Jansen, Designated Federal Officer, at *jansen.ryan@dol.gov,* or Carrie Rhoads, Alternate Designated Federal Officer, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW, Suite S–3524, Washington, DC 20210, telephone (202) 343–5580.

This is not a toll-free number.

Signed at Washington, DC, this 31st day of May, 2022.

Nancy Griswold,

Deputy Director, Office of Workers' Compensation Programs.

[FR Doc. 2022–12178 Filed 6–6–22; 8:45 am]

BILLING CODE 4510–CR–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–22–0011; NARA–2022–051]

Records Schedules; Administrative Correction Notice

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of administrative correction a records schedule.

SUMMARY: We are making the following administrative corrections to DAA–0237–2019–0002, of the Federal Aviation Administration for the Traffic Flow Management System. An administrative correction addresses errors or oversights to temporary items in an approved records schedule. We are correcting the cutoff and retention periods.

DATES: Submit any comments by July 22, 2022.

ADDRESSES: You can find the records schedules subject to this proposed administrative correction on our website's Records Control Schedule page at *https://www.archives.gov/records-mgmt/rcs.*

You may submit comments by either of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may contact *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on.

FOR FURTHER INFORMATION CONTACT: Kimberly Richardson, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov,* or by phone. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301.837.1799.

SUPPLEMENTARY INFORMATION: An administrative correction is a change to temporary items on an approved record schedule to address errors or oversights when the records were originally scheduled. This notice applies only to the change described, and not to other portions of the schedule. The submitting agency cannot implement the administrative correction until the comment period ends and NARA approves the change.

This administrative correction should be read in conjunction with the previously approved records schedule DAA–0237–2019–0002, Federal Aviation Administration, Traffic Flow Management System. You can find the schedule on the Records Control Schedule page at *https://www.archives.gov/records-mgmt/rcs/schedules/departments/department-of-transportation/rg-0237/daa-0237-2019-0002_sf115.pdf.*

We are making an administrative correction to the schedule to expand the retention period and to revise cutoff instructions to be clearer and more implementable. The recommended retention period will be changed from ''Destroy 3 years after cutoff'' to ''Destroy 3 years after cutoff but longer retention is authorized if required for business use.'' The updated retention period covers situations where the outside agencies/entities (NASA, NWS, etc.) that have agreements for obtaining TFM–I/TFMS data would renegotiate agreements if they needed data that went further back than the 3 year retention period. In addition, the cutoff will be changed from ''After case is closed'' to ''Cutoff at the end of the calendar year the data is generated.''

This schedule was inadvertently approved before the following changes were made. We reviewed the administrative record and concluded that the agency did agree to these changes. Therefore, we are modifying the schedule for clarity and to make the implementation process as accurate and efficient as possible. We will make a modified approved version in ERA to the schedule to revise the retention period and cutoff instructions.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022–12194 Filed 6–6–22; 8:45 am]

BILLING CODE 7515–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Administrative Appeals

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of information collection.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information contained its regulation on Rules for Administrative Review of Agency Decisions. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before July 7, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW, Washington, DC 20005–4026; or, calling 202–229–4040 during normal business hours. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington DC 20005–4026; 202–229–6563. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Rules for Administrative Review of Agency Decisions. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) prescribes rules governing the issuance of initial determinations by PBGC and the procedures for requesting and obtaining administrative review of initial determinations. Certain types of initial determinations are subject to administrative appeals, which are covered in subpart D of the regulation. Subpart D prescribes rules on who may file appeals, when and where to file appeals, contents of appeals, and other matters relating to appeals. Most appeals filed with PBGC are filed by individuals (participants, beneficiaries,

and alternate payees) in connection with benefit entitlement or amounts. A small number of appeals are filed by companies in connection with other matters, such as plan coverage under section 4021 of ERISA or liability under sections 4062(b)(1), 4063, or 4064. For appeals of benefit determinations, PBGC has optional forms for filing appeals (Form 724) and requests for extensions of time to appeal (Form 723). PBGC needs the required information to resolve matters raised in appeals of PBGC's initial determinations.

PBGC is proposing some minor editorial and formatting changes to Forms 723 and 724. In addition, it is proposing to make the forms fillable online. These are intended to make the forms easier for appellants to complete.

The collection of information under the regulation has been approved under OMB control number 1212–0061 (expires July 31, 2022). On March 30, 2022, PBGC published in the **Federal Register** (at 87 FR 18402) a notice informing the public of its intent to request an extension of this collection of information, as modified. No comments were received. PBGC is requesting that OMB extend approval of the collection, with modifications, for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that each year there will be 300 appeals and 75 requests for extensions filed annually under this regulation. The total estimated annual burden of the collection of information is 293 hours and $37,400.

Issued in Washington, DC.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2022–12221 Filed 6–6–22; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC–34605; 811–21869]

NexPoint Diversified Real Estate Trust

June 1, 2022.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for deregistration under Section 8(f) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: NexPoint Diversified Real Estate Trust requests an order declaring that it has ceased to be an investment company.

APPLICANT: NexPoint Diversified Real Estate Trust (''Applicant'').

FILING DATES: The application was filed on March 31, 2021 and was amended on September 13, 2021, November 5, 2021, December 2, 2021 and May 19, 2022.

HEARING OR NOTIFICATION OF HEARING: An order granting the request will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicant with a copy of the request by email, if an email address is listed for Applicant below, or personally or by mail, if a physical address is listed for Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on June 27, 2022 and should be accompanied by proof of service on Applicant, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Stephanie Vitiello, NexPoint Diversified Real Estate Trust, 300 Crescent Court, Suite 700, Dallas, TX 75201, *info@nexpoint.com;* Thomas A. DeCapo and Kenneth E. Burdon, Skadden, Arps, Slate, Meagher & Flom LLP, 500 Boylston Street, Boston, MA 02116; and R. Charles Miller, K&L Gates, LLP, 1601 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Acting Branch Chief; Marc Mehrespand, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. Applicant is a Delaware statutory trust and is a non-diversified, closed-end management investment company registered under the Act. Prior to Applicant's Special Meeting of Shareholders held on August 28, 2020 (the ''Special Meeting''), Applicant was named ''NexPoint Strategic Opportunities Fund'' and it sought to achieve the primary investment objectives of providing its common shareholders both current income and capital appreciation by investing in structured products, equities, other investment companies, real estate investment trusts (''REITs''), and a variety of loans and other debt obligations.

2. At the Special Meeting, Applicant's shareholders approved a proposal (the ''Business Change Proposal'') to change Applicant's business from a registered investment company to a diversified REIT that focuses primarily on investing in various commercial real estate property types and across the capital structure, including but not limited to: equity, mortgage debt, mezzanine debt and preferred equity. Notably, the proxy statement in connection with the Business Change Proposal stated that, if approved, Applicant would realign its portfolio so that it will not be considered an investment company under the Act and apply to the Commission for an order declaring that Applicant has ceased to be an investment company. Applicant represents that, in accordance with the Business Change Proposal, it began operating during its 2021 taxable year so that it may qualify for taxation as a REIT for federal tax purposes.

3. Applicant states that, following the Special Meeting, it began to implement the Business Change Proposal, including changing its name to ''NexPoint Diversified Real Estate Trust'' (effective November 8, 2021), reorganizing, winding down or divesting its legacy portfolio assets and realigning its portfolio such that it is no longer an investment company under the Act. Applicant states that it holds itself out as a diversified REIT, and that its periodic reports to shareholders, press releases and website indicate that Applicant is implementing the Business Change Proposal.

4. Applicant's investment advisory agreement (''IAA'') with its investment adviser, NexPoint Advisors, L.P. (the ''Adviser''), remains in effect. Applicant anticipates that if Applicant receives the order, the Adviser would continue to provide the day-to-day management of Applicant's operations pursuant to the IAA, except that the terms of the IAA would likely be amended to remove certain provisions required by the Act and to otherwise conform the IAA to terms more customary for publicly traded REITs. Applicant represents that its officers devote significant time to

Applicant's new business strategy, including in connection with the formation of business objectives, plans and strategies and sourcing of real estate investment opportunities.

5. Applicant represents that it currently operates as a diversified REIT and originates commercial mortgage loans and otherwise invests in commercial real estate through two wholly-owned private REIT subsidiaries, NexPoint Real Estate Opportunities, LLC (''NREO'') and NexPoint Real Estate Capital LLC (''NREC''), and a majority-owned private REIT subsidiary, NexPoint Storage Partners, Inc. (''NSP'' and, together with NREO and NREC, the ''Subsidiaries''). Applicant represents that none of the Subsidiaries is an ''investment company'' within the meaning of Section 3(a) of the Act, and none of the Subsidiaries is relying on the exclusion from the definition of ''investment company'' in Sections 3(c)(1) or 3(c)(7) of the Act.

6. Applicant represents that, as of May 18, 2022: (1) Approximately 16% of Applicant's total assets were comprised of ''investment securities'' for purposes of Sections 3(a)(1)(C) and 3(a)(2) of the Act (''Investment Securities''); and (2) approximately 24%, 17%, and 10% of the total assets of NREO,[1] NREC, and NSP, respectively, were comprised of Investment Securities. Applicant represents that it may establish other wholly-owned subsidiaries to carry out specific activities, consistent with Applicant's business of operating as a diversified REIT.

7. Applicant represents that for the period from May 30, 2021 through May 1, 2022 (the ''Transition Period''), it derived approximately 86% of its net income after taxes from investment securities (as defined in Section 3(a)(2) of the Act). Applicant notes that this high percentage of investment-related income during the Transition Period was due to Applicant's activity in realigning its portfolio to become a diversified REIT, the continued holding of legacy collateralized loan obligation (''CLO'') positions while awaiting a material realization event for the principal asset underlying these CLOs, Metro-Goldwyn-Mayer Studios Inc. (''MGM''), and the receipt of the proceeds from the acquisition of MGM by Amazon.com, Inc., which closed on March 17, 2022 (the ''MGM Transaction''). Applicant represents that now that the MGM Transaction has closed, neither Applicant nor the legacy CLOs maintain any positons that upon disposition are expected to result—individually or in aggregate—in the generation of income from investment securities that would be material to Applicant. Applicant further represents that for the period from May 2, 2022 through December 31, 2022, on a pro forma basis, Applicant expects to derive approximately 5% of its net income after taxes from investment securities. Finally, Applicant represents that it does not expect to derive any material portion of its net income after taxes from investment securities, and that it does not expect any of its subsidiaries (including the Subsidiaries and any future subsidiaries) to derive a material portion of its net income after taxes from investment securities.

8. Applicant represents that upon deregistering as an investment company it will issue a press release to shareholders indicating that it is no longer a registered investment company and will cease indicating in its financial statements that it is a registered investment company.

9. Applicant states that it is not currently a party to any litigation or administrative proceeding and has timely complied with its obligations to file annual and other reports with the Commission.

10. Applicant represents that, if the requested order is granted, it expects that its common shares will continue to be traded on The New York Stock Exchange.

Applicant's Legal Analysis

1. Section 8(f) of the Act provides that whenever the Commission, upon application or its own motion, finds that a registered investment company has ceased to be an investment company, the Commission shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

2. Section 3(a)(1)(A) of the Act defines an ''investment company'' as any issuer which ''is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.'' Section 3(a)(1)(B) of the Act defines an ''investment company'' as any issuer which ''is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding.''

3. Section 3(a)(1)(C) of the Act defines an ''investment company'' as any issuer which ''is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.'' Section 3(a)(2) of the Act defines ''investment securities'' as ''all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which (i) are not investment companies, and (ii) are not relying on the exception from the definition of investment company in paragraph (1) or (7) of subsection (c).''

4. Applicant states that it is no longer an investment company as defined in Section 3(a)(1)(A), 3(a)(1)(B) or Section 3(a)(1)(C). With regard to Section 3(a)(1)(A), Applicant represents that it now operates as a diversified REIT, and argues that its historical development, its public representations, the activities of its directors and officers, the nature of its present assets and the sources of its present income support this assertion.

5. With regard to Section 3(a)(1)(B), Applicant represents that it is not engaged, and does not propose to engage, in the business of issuing face-amount certificates of the installment type, has not been engaged in such business and does not have any such certificate outstanding.

6. With regard to Section 3(a)(1)(C), Applicant represents that Investment Securities comprise less than 40% of the value of Applicant's total assets because Applicant's interests in the Subsidiaries (which, as discussed above, Applicant represents are not themselves investment companies and do not rely on Section 3(c)(1) or 3(c)(7) of the Act) in aggregate exceed 60% of the value of Applicant's total assets.[2]

[1] Applicant represents that as of May 18, 2022, for purposes of Section 3(a)(1)(C) of the Act: (1) approximately 76% of NREO's total assets consisted of fee interests in real property and its interest in a majority-owned subsidiary (as defined in Section 2(a)(24) of the Act) that is not an investment company and is not relying on Section 3(c)(1) or 3(c)(7) (the ''NREO Subsidiary''); and (2) approximately 92.6% of the NREO Subsidiary's total assets consisted of interests in four majority-owned subsidiaries (as defined in Section 2(a)(24) of the Act) that are not investment companies and are not relying on Section 3(c)(1) or 3(c)(7) (such subsidiaries of the NREO Subsidiary, ''NREO REIT Sub I'', ''NREO REIT Sub II'', ''NREO REIT Sub III'' and ''NREO REIT Sub IV''). Applicant further represents that NREO REIT Sub I is excluded from the definition of ''investment company'' by Section 3(c)(5)(C) of the Act, and that none of NREO REIT Sub II, NREO REIT Sub III, or NREO REIT Sub IV is an investment company within the meaning of Section 3(a) of the Act or is relying on Section 3(c)(1) or 3(c)(7) of the Act.

[2] Applicant represents that Applicant owns 100% of the voting securities of NREC and NREO and

Continued

7. Applicant states that it is thus qualified for an order of the Commission pursuant to Section 8(f) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12165 Filed 6–6–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95017; File No. SR–DTC–2022–005]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate Certain Fees Charged to Applicants

June 1, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 24, 2022, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change [5] consists of modifications to the (i) DTC Fee Guide (''Fee Guide'') [6] and (ii) Policy Statement on the Admission of Participants and Pledgees (''Policy Statement''),[7] to eliminate certain fees charged to legal entities that formally make an application (''Application'') to DTC to become either a Participant [8] (each, a ''Participant Applicant'') or a Pledgee [9] (each, a ''Pledgee Applicant'') of DTC (Participant Applicants and Pledgee Applicants, referred to collectively as ''Applicants'').

More specifically, the Fee Guide will be amended to remove a charge to (A) each Participant Applicant of $5,000 in connection with its Application to become a Participant [10] (''Participant Application Fee''), and (B) each Pledgee Applicant of $2,500 in connection with its Application to become a Pledgee [11] (''Pledgee Application Fee'') (Participant Application Fee and Pledgee Application Fee, collectively referred to as ''Application Fees''). The Policy Statement will be amended to remove text relating to the Application Fees. These proposed changes are described in greater detail below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of modifications to the Fee Guide and Policy Statement to eliminate certain fees charged to Applicants. More specifically, the Fee Guide will be amended to remove the Application Fees. The Policy Statement will be amended to remove text relating to the Application Fees. These proposed changes are described in greater detail below.

Background

DTC may approve an Applicant that is eligible for admission as a Participant or Pledgee [12] only upon a determination by DTC that the Applicant meets reasonable standards of financial condition, operational capability and character at the time of its Application and on an ongoing basis thereafter.[13] To facilitate DTC's review of an Application so that DTC may determine whether the Applicant satisfies these standards, the Applicant must satisfy DTC's Application requirements in form and substance satisfactory to DTC, including, but not limited to, required documentation (''Required Documentation''), in accordance with the Rules.[14]

DTC charges each Applicant the applicable Application Fee as established by the Fee Guide.[15] The Application Fees were implemented to help offset expenses associated with the review of Applications.[16] Payment of the full amount of the Application Fee is due as of the date DTC provides the Applicant with access to DTC's online Application portal (''Portal'') [17] and related payment instructions.[18] An Application Fee is non-refundable [19] regardless of the outcome of the respective Application (*i.e.,* approval, disapproval or expiration).

DTC's clearing agency affiliates, National Securities Clearing Corporation (''NSCC'') and Fixed Income Clearing Corporation (''FICC''), follow similar membership application processes and require similar documentation from their respective applicants as described above for DTC. However, despite following similar membership application processes, DTC charges Application Fees, while NSCC and FICC do not. DTC believes harmonizing its practice with its affiliates' practices would reduce inconsistency between the respective application processes and provide enhanced consistency relating to requirements for applicants, in particular where an entity applies to

53% of the voting securities of NSP. Applicant further represents that, to ensure that the value of Investment Securities owned by Applicant is less than 40% of its total assets, Applicant will own at least 50% of the voting securities of any subsidiaries that it may form that are not themselves investment companies and are not relying on the exclusion from the definition of investment company set forth in Section 3(c)(1) or Section 3(c)(7) of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (the ''Rules''), *available at www.dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[6] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/fee-guides/dtcfeeguide.pdf?la=en.*

[7] *See* Policy Statement, *supra* note 5.

[8] *See* Rule 2, Section 1, *supra* note 5.

[9] *See* Rule 2, Section 3, *supra* note 5.

[10] *See* Fee Guide, *supra* note 6, at 16.

[11] *Id.*

[12] *See* Rule 3 (setting forth qualifications for eligibility for Participants) and Section 3 of Rule 2 (setting forth Persons/entity types that may become Pledgees), *supra* note 5.

[13] *See* Rule 2, *supra* note 5.

[14] *See* Rule 2 and the Policy Statement, *supra* note 5 (setting forth Required Documentation and other requirements that an Applicant must satisfy prior to DTC's approval of the Applicant's Application).

[15] *See* Fee Guide, *supra* note 6, at 16.

[16] *See* Securities Exchange Act Release No. 83544 (June 28, 2018), 83 FR 31223 (July 3, 2018) (SR–DTC–2018–002).

[17] The Portal is a closed website that allows Applicants to retrieve the Application forms and templates for the Required Documentation, and to submit their completed Application materials, including Required Documentation, to DTC.

[18] *See* Fee Guide, *supra* note 6, at 16.

[19] *See* Policy Statement, *supra* note 5.

become a Participant of DTC and a member of NSCC and/or FICC.

Additionally, DTC believes that the Application Fees are not necessary because the amount collected from them is immaterial.[20] Therefore, the elimination of the Application Fees will not have a material effect on DTC's overall recovery of costs and expenses associated with the application process, but it will help reduce costs for Applicants.

Proposed Rule Change

To effectuate this proposed rule change, DTC will discontinue charging Application Fees and remove the Application Fees from the Fee Guide. Further, DTC will delete a reference to Application Fees and the following paragraph from the beginning of Section 3 of the Policy Statement:

All applicants to become Participants or Pledgees must pay a non-refundable application fee as specified in the Procedures for each application made by the applicant to DTC to become a Participant or Pledgee.

2. Statutory Basis

Section 17A(b)(3)(D) of the Act[21] requires that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. DTC believes the proposed elimination of the fees is consistent with this requirement. As stated above, the amount of revenue collected on an annual basis by DTC through Application Fees is not material to its recovery of costs and expenses associated with the application process or to DTC's annual revenue and expenses.[22] Instead of charging the Application Fees to offset the costs to review Applications, DTC believes it would be more appropriate to absorb the costs as an operating expense through DTC's internal budget process.[23] This approach also would be more consistent with that of its affiliates NSCC and FICC, which follow similar membership application review processes but do not charge membership application fees, as noted above.

For these reasons, DTC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) because it will help provide for the equitable allocation of reasonable fees among its participants.[24]

(B) Clearing Agency's Statement on Burden on Competition

DTC believes that the proposed rule change could impact competition by promoting it. That is, by eliminating the Applications Fees, Applicants could redirect those financial resources to other purposes that could benefit their competitive position.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are received, they would be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

DTC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[25] of the Act and paragraph (f)[26] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–DTC–2022–005 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–DTC–2022–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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

[20] In 2020, six Participant Applications were opened, with a total amount $30,000 in Application Fees billed. In 2021, eight Participant Applications were opened with a total amount of $40,000 in Application Fees billed.

[21] 15 U.S.C. 78q–1(b)(3)(D).

[22] *See* DTC Financial Statements as of and for the Years Ended December 31, 2021 and 2020, and Report of Independent Registered Accounting Firm, *available at https://www.dtcc.com/-/media/Files/Downloads/legal/financials/2021/DTC-Annual-Financial-Statements-2021-and-2020.pdf,* at 3 (providing DTC's statement of income, which includes revenue and expenses for 2021 and 2020).

[23] *See* DTC Disclosure Framework, available at *https://www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/DTC_Disclosure_Framework.pdf,* at 123 (providing a description of DTC's formal budgeting process).

[24] 15 U.S.C. 78q–1(b)(3)(D).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2022–005 and should be submitted on or before June 28, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12168 Filed 6–6–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95018; File No. SR–FINRA–2021–02]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Amend FINRA Rule 2231 (Customer Account Statements), as Modified by Amendment No. 1

June 1, 2022.

I. Introduction

On September 29, 2021, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FINRA–2021–024 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to amend FINRA Rule 2231 (Customer Account Statements) to add new supplementary materials, incorporate specified provisions from dual FINRA–NYSE temporary rules, and delete those temporary rules.[3] The proposed rule change was published for public comment in the **Federal Register** on September 30, 2021.[4] On November 9, 2021, FINRA consented to an extension of the time period to January 4, 2022, in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On January 4, 2022, FINRA responded to the comment letters received in response to the Notice and filed an amendment to modify the proposed rule change (''Amendment No. 1'').[6] On January 4, 2022, the Commission published notice of Amendment No. 1 and instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.[8] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change

A. Background

As discussed in the Notice, Rule 2231 and NYSE Rule 409T govern the obligation of FINRA members and member organizations to deliver customer account statements to customers. Specifically, Rule 2231 and NYSE Rule 409T generally require a general securities member[9] to, at least once each calendar quarter, send account statements to customers containing a description of any securities positions, money balances or account activity in the accounts since the prior account statements were sent, except if carried on a Delivery Versus Payment/Receive Versus Payment basis.[10] Rule 2231 does not currently contain any supplementary materials.

FINRA stated that at the time it adopted Rule 2231, along with NYSE Rule 409T and NYSE Rule Interpretation 409T (together, ''NYSE Provisions''), into the consolidated FINRA rulebook, it would continue to review the substance of such rules and expected to propose substantive changes to some or all of the rules as part of future rulemakings.[11] As a result of that review, FINRA proposed amending Rule 2231 to incorporate several existing provisions from the NYSE Provisions into the FINRA rulebook and proposed deleting the NYSE Provisions in their entirety.[12]

Specifically, FINRA's proposed rule change would: (1) amend Rule 2231 to (a) add new Supplementary Materials .01 (Compliance with Rule 4311 (Carrying Agreements)), .02 (Transmission of Customer Account Statements to Other Persons or Entities), .03 (Use of Electronic Media to Satisfy Delivery Obligations), and .04 (Compliance with Rule 3150 (Holding of Customer Mail)) and (b) incorporate provisions derived from NYSE Rule Interpretation 409T, without substantive changes, as Supplementary Materials .05 (Information to be Disclosed on Statement), .06 (Assets Externally Held), .07 (Use of Logos, Trademarks, etc.), and .08 (Use of Summary Statements); (2) delete Temporary Dual FINRA–NYSE Rule 409T (Statements of Accounts to Customers) and Temporary Dual FINRA–NYSE Rule Interpretation 409T; and (3) make other non-substantive and technical changes in Rule 2231 and to other FINRA rules due to this proposed rule change. As a result of these changes, FINRA members that are not NYSE members would be required to comply with provisions that previously only applied to NYSE members. In addition to the specific points below, as a general matter, FINRA stated that harmonizing the NYSE provisions into Rule 2231 would provide greater clarity and regulatory efficiency to all FINRA member firms.[13] Further, FINRA stated that with respect to proposed Supplementary Materials .01 and .03 through .08, the proposed rule change would not impose additional material burdens on firms as it is substantially

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 93215 (September 30, 2021), 86 FR 55641 (October 6, 2021) (File No. SR–FINRA–2021–024) (''Notice'').

[4] *Id.*

[5] *See* letter from Sarah Kwak, Associate General Counsel, Office of General Counsel, FINRA, to Daniel Fisher, Branch Chief, Office of Chief Counsel, Division of Trading and Markets, Commission, dated November 9, 2021.

[6] *See* letter from Sarah Kwak, Associate General Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, Commission, dated January 4, 2022 (''FINRA Response Letter''); *see also* Exchange Act Release No. 93897, 87 FR 1201 (January 10, 2022) (''OIP and Amendment No. 1'').

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* OIP and Amendment No. 1.

[9] FINRA Rule 2231(d)(2) defines a ''general securities member'' as any FINRA member ''that conducts a general securities business and is required to calculate its net capital pursuant to the provisions of [Exchange Act] Rule 15c3–1(a)'' except members that do not carry customer accounts or hold customer funds or securities.

[10] *See* Notice, 86 FR at 55649.

[11] As part of the process of completing a consolidated FINRA rulebook, FINRA adopted, without substantive changes, the remaining legacy NASD rules as FINRA rules in the consolidated FINRA rulebook and the NYSE Rules and NYSE Rule Interpretations in the consolidated FINRA rulebook as a separate Temporary Dual FINRA–NYSE Member Rules Series. These NYSE rules and their corresponding interpretations now bear a ''T'' modifier after the rule and interpretation number to denote their placement in the Temporary Dual FINRA–NYSE Member Rules Series. The Temporary Dual FINRA–NYSE Member Rules Series apply only to FINRA members that are also members of the NYSE. The FINRA rules apply to all FINRA members, unless such rules have a more limited application by their terms. Among the remaining NASD rules was NASD Rule 2340 (Customer Account Statements), which was adopted, without substantive changes, as FINRA Rule 2231. NYSE Rule 409 (Statements of Accounts to Customers) and Incorporated NYSE Rule Interpretation 409 (Statements of Accounts to Customers) were adopted, without substantive changes, under the Temporary Dual FINRA–NYSE Rules Series as Rule 409T and Interpretation 409T, respectively. *See* Exchange Act Release No. 85589 (April 10, 2019), 84 FR 15646 (April 16, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2019–009). For convenience, the rules and interpretations under the Temporary Dual FINRA–NYSE Member Rules Series are referred to as ''NYSE Rule'' and ''NYSE Rule Interpretation,'' as appropriate. *See* Notice, 86 FR at note 3.

[12] *See* Notice, 86 FR at 55646.

[13] *See* Notice, 86 FR at 55643.

similar to existing rules or otherwise consistent with current guidance.[14]

B. Proposed Supplementary Materials as Modified by Amendment No. 1

1. New Supplementary Material .01 (Compliance With Rule 4311)

FINRA's proposed rule change would amend Rule 2231 by adding new Supplementary Material .01, which would remind firms of their obligations under FINRA Rule 4311 (Carrying Agreements), including specifically the rights and obligations of carrying firms under Rule 4311(c)(2).[15] Rule 4311 generally governs the requirements applicable to FINRA members when entering into agreements for the carrying of any customer accounts in which securities transactions can be effected. In general, Rule 4311(c) requires each carrying agreement pursuant to which accounts are to be carried on a fully disclosed basis to specify the responsibilities of each party to the agreement, including at a minimum the allocation of the responsibilities set forth in paragraphs 4311(c)(1)(A) through (I) and (c)(2). Among those responsibilities, Rule 4311(c)(2) requires each carrying agreement pursuant to which accounts are to be carried on a fully disclosed basis to expressly allocate to the carrying firm responsibility for safeguarding funds and securities under Exchange Act Rule 15c3–3 (Customer protection—reserves and custody of securities) [16] and for preparing and transmitting account statements to customers.

FINRA stated that reminding firms of their obligations under Rule 4311 in proposed Supplementary Material .01 would emphasize the importance of ensuring the accuracy and integrity of customer account statements.[17]

2. New Supplementary Material .02 (Transmission of Customer Account Statements to Other Persons or Entities)

Rule 2231 does not currently address the transmission of customer account statements to third parties. In contrast, NYSE Rule 409T(b) prohibits, without NYSE's consent, the delivery of confirmations, statements, or other communications to a nonmember customer: (1) in care of a person holding power of attorney (''POA'') over the customer's account unless either (a) the customer has provided written instructions to the member organization to send such confirmations, statements, or other communications in care of such person, or (b) duplicate copies are sent to the customer at some other address designated in writing by the customer; or (2) at the address of any member, member organization, or in care of a partner, stockholder who is actively engaged in the member corporation's business, or employee of any member organization.[18]

Proposed Supplementary Material .02 would address the transmission of customer account statements to third parties in a manner similar, but not identical to, NYSE Rule 409T.[19] Specifically, proposed Supplementary Material .02 to Rule 2231 would prohibit member firms from sending customer account statements to third parties unless: (1) the customer provided written instructions to the member to send statements to such third parties; and (2) the member sends duplicate account statements directly to the customer either in paper format or electronically.[20] Proposed Supplementary Material .02 would add that a FINRA member may cease sending duplicate account statements to a customer where a court of competent jurisdiction has appointed a guardian, conservator, trustee, personal representative or other person with legal authority to act on a customer's behalf, and such court-appointed fiduciary provides written instructions to the member and furnishes to the member an official copy of the court appointment that establishes authority over the customer's accounts.[21] Under proposed Supplementary Material .02, a member would continue to be able to provide duplicate customer account statement(s) to third parties as required for compliance with FINRA Rules 2070 (Transactions Involving FINRA Employees) and 3210 (Accounts at Other Broker-Dealers and Financial Institutions) or other similar applicable federal securities laws, rules and regulations.[22]

FINRA stated it believes proposed Supplementary Material .02 achieves the appropriate balance between ensuring customers receive their account statements so that they may monitor their account activity and recognizing there are special circumstances where firms may stop delivery of account statements to customers.[23]

3. New Supplementary Material .03 (Use of Electronic Media To Satisfy Delivery Obligations)

FINRA's proposed rule change would add new Supplementary Material .03 to FINRA Rule 2231, which would allow FINRA members to satisfy their Rule 2231 delivery obligations using electronic media, subject to compliance with standards established by the Commission on the use of electronic media for delivery purposes.[24] FINRA stated this provision would be consistent with prior FINRA guidance on the use of electronic media to satisfy delivery obligations.[25]

4. New Supplementary Material .04 (Compliance With Rule 3150)

FINRA's proposed rule change would add new Supplementary Material .04 to Rule 2231, which would permit FINRA members to hold customer mail, including customer account statements or other communications relating to a customer's account, subject to the requirements of FINRA Rule 3150 (Holding of Customer Mail).[26] In general, Rule 3150 allows FINRA members to hold customer mail for a specific time period in accordance with the customer's written instructions if the member meets specified conditions.[27]

5. New Supplementary Material .05 (Information To Be Disclosed on Statement)

NYSE Rule Interpretation 409T(a)/02 requires the front of a customer account statement to disclose: (1) the identity of introducing and carrying organizations, and their respective phone numbers for service; (2) that the carrying organization is a member of the Securities Investor Protection Corporation (''SIPC''); [28] and (3) the opening and closing account balances.[29] Note 1 to NYSE Rule Interpretation 409T(a)/02 provides that the Commission ''has stated that under the

[14] *See* Notice, 86 FR at 55648.

[15] *See* Proposed Supplementary Material .01.

[16] 17 CFR 240.15c3–3.

[17] *See* Notice, 86 FR at 55643.

[18] *See* NYSE Rule 409T(b); *see also* Notice, 86 FR at 55643.

[19] *See* Notice, 86 FR at 55643.

[20] *See* Proposed Supplementary Material .02(a).

[21] *See* Proposed Supplementary Material .02(b).

[22] *See* Proposed Supplementary Material .02(c).

[23] *See* Notice, 86 FR at 55644.

[24] *See* Proposed Supplementary Material .03; *see also* Notice, 86 FR at 55644 (citing Securities Act Release No. 7233 (October 6, 1995); 60 FR 53458 (October 13, 1995); Securities Act Release No. 7288 (May 9, 1996); 61 FR 24644 (May 15, 1996); Securities Act Release No. 7856 (April 28, 2000); 65 FR 25843, 25854 (May 4, 2000)).

[25] *See* Notice, 86 FR at 55644 (citing Notice to Members 98–3 (January 1998)).

[26] *See* Proposed Supplementary Material .04.

[27] *See* Notice, 86 FR at 55644.

[28] Subject to limitations, SIPC protects against the loss of cash and securities—such as stocks and bonds—held by a customer at a financially-troubled SIPC-member brokerage firm. *See* SIPC's website, available at *https://www.sipc.org/for-investors/what-sipc-protects.*

[29] *See* NYSE Rule Interpretation 409T(a)/02.

[Exchange Act] Rule 15c3–1(a)(2)(iv),[30] certain carrying firms must issue customer account statements, and the account statements must contain the name and telephone number of a person at the carrying firm who the customer can contact with inquiries regarding the account. The phone number of the carrying organization may appear on the back of the statement. If it does, it must be in 'bold' or 'highlighted' letters.'' [31]

FINRA's proposed rule change would incorporate NYSE Rule Interpretation 409T(a)/02, including note 1, without substantive changes, as Supplementary Material .05 to FINRA Rule 2231. Proposed Supplementary Material .05 would require the following information to be clearly and prominently disclosed on the front of customer account statements: (1) the identity of the introducing firm and carrying firm, if different, and their respective contact information for customer service; however, the identity of the carrying firm and its contact information for customer service may appear on the back of the statement provided such information is in ''bold'' or ''highlighted'' letters; (2) that the carrying firm is a SIPC member; and (3) the opening and closing balances for the account.[32]

FINRA stated that proposed Supplementary Material .05 would incorporate NYSE Rule Interpretation 409T(a)/02 without substantive changes. FINRA also stated that proposed Supplementary Material .05 would give member firms adequate guidance and flexibility in providing the specified information while also ensuring that SIPC status of the clearing firm is disclosed on the front of the statement.[33]

6. New Supplementary Material .06 (Assets Externally Held)

Rule 2231 does not currently address how FINRA members should disclose assets they do not carry on behalf of customers and that are not included on the firms' books and records. In contrast, NYSE Rule Interpretation 409T(a)/04 provides that where a statement of account includes assets as to which a member organization does not have fiduciary responsibility, does not have access to, and which are not included on the member organization's books and records, such assets must be clearly and distinguishably separated on the statement.[34] In addition, the statement must clearly indicate that: (1) such externally held assets are included on the statement solely as a courtesy to the customer; (2) that information (including valuation) is derived from the customer or other external source for which the member organization is not responsible; and (3) such externally held assets are not covered by SIPC.[35]

FINRA's proposed rule change would incorporate the requirements of NYSE Rule Interpretation 409T(a)/04, without substantive changes, as Supplementary Material .06 to Rule 2231. Proposed Supplementary Material .06 would require that where a customer account statement includes assets that the member firm does not carry on behalf of the customer and that are not included on the member firm's books and records, such assets must be clearly and distinguishably separated on the statement.[36] In such cases, proposed Supplementary Material .06 would require FINRA members to: (1) clearly indicate that such externally held assets are included on the statement solely as a courtesy to the customer; (2) disclose that information, including valuation, for such externally held assets included on the statement is derived from the customer or other external source for which the member is not responsible; and (3) identify that such externally held assets may not be covered by SIPC.[37]

7. New Supplementary Material .07 (Use of Logos, Trademarks, etc.)

Rule 2231 does not currently address how logos, trademarks, or the identification of persons other than introducing or carrying firms should appear on customer account statements. In contrast, NYSE Rule Interpretation 409T(a)/05 requires that where a logo, trademark, or other identification of a person other than the introducing firm or carrying firm appears on an account statement, the identity of such person and the relationship to the introducing, carrying, or other organization included on the statement must be provided and may not be misleading or confusing to customers.[38]

FINRA's proposed rule change would incorporate, without substantive changes, NYSE Rule Interpretation 409T(a)/05 as proposed Supplementary Material .07 to Rule 2231.[39] Proposed Supplementary Material .07 would require that where the logo, trademark or other similar identification of a person (other than the introducing firm or carrying firm) appears on a customer account statement, the identity of such person(s) and the relationship to the introducing, carrying or other firm included on the statement must be provided and may not be used in a manner that is misleading or causes customer confusion. FINRA stated that proposed Supplementary Material .07 would be consistent with the general requirements of FINRA Rule 2210 (Communications with the Public), which, among other things, prohibits FINRA members from publishing, circulating, or distributing communications that they know or have reason to know contain any untrue statement of material fact or are otherwise false or misleading.[40]

8. New Supplementary Material .08 (Use of Summary Statements)

Rule 2231 does not currently address FINRA member obligations where the member holds a customer's account and another person, who separately offers related financial products or services to the same customer, jointly provide their respective customer account statements together with a statement summarizing or combining assets held in different accounts (''summary statements'').[41] In contrast, NYSE Rule Interpretation 409T(a)/06 states that where a member organization carrying a customer's account and another person(s) who separately offers financial related products/services to the same customer seek to jointly formulate and/or distribute their respective customer account statements together with a summary statement, the summary statement must: (1) indicate that it is provided for informational purposes and includes assets held at different entities; (2) identify each entity from which information is provided or assets are being held are included, their relationship to each other, and their respective functions (*e.g.,* introducing or carrying brokerage firms, fund distributor, banking or insurance product providers, etc.); (3) clearly distinguish between assets held by each entity by use of columns, coloring or

[30] 17 CFR 240.15c3–1(a)(2)(iv).

[31] *See* NYSE Rule Interpretation 409T(a)/02 at note 1 (citing Exchange Act Release No. 31511 (November 24, 1992)).

[32] *See* Proposed Supplementary Material .05.

[33] *See* Notice, 86 FR at 55644 and 55655.

[34] *See* NYSE Rule Interpretation 409T(a)/04.

[35] *Id.*

[36] *See* Proposed Supplementary Material .06.

[37] *See* Proposed Supplementary Material .06(a)–(c).

[38] *See* NYSE Rule Interpretation 409T(a)/05.

[39] *See* Proposed Supplementary Material .07; *see also* Notice, 86 FR at 55645.

[40] *Id.; see also* FINRA Rule 2210(d)(1)(B).

[41] *See* Notice, 86 FR at 55645. FINRA stated that, in general, a summary statement reflects information from entities that are part of a financial services ''group'' or ''family'' or where a firm carries accounts for another broker-dealer that is part of such group or family. FINRA stated that a summary statement provides an overview of a customer's accounts at separate entities and is supported by and derived from the detail on the separate underlying respective account statements. *Id.*

other distinct form of demarcation; (4) identify the customer's account number at each entity; (5) provide a telephone number for customer service at each entity; (6) disclose which entity carries each of the different assets or categories of assets included on the summary statement; and (7) identify each entity that is a SIPC member.[42]

FINRA's proposed rule change would incorporate the requirements of NYSE Rule Interpretation 409T(a)/06, with some revisions, as proposed Supplementary Material .08 to Rule 2231.[43] Proposed Supplementary Material .08 would state that where a member holds a customer's account and another person(s) who separately offers financial related products or services to the same customer (*e.g.,* mutual fund sales and custodial services, banking products and services, insurance products and services, securities products and services, etc.) seek to jointly provide their respective customer account statements together with a summary statement the member is required to: (1) indicate that the summary statement is provided for the customer's convenience and includes assets that may not be held by the broker-dealer; (2) indicate that the summary statement does not replace any other statement(s) the customer may receive from other financial institutions that hold the customer's assets; (3) identify each entity from which information is provided or assets being held are included, their relationship with each other (*e.g.,* parent, subsidiary, or affiliated organization), and their respective functions (introducing firm, carrying firm, fund distributor, banking or insurance product provider, etc.); (4) clearly distinguish between assets held or categories of assets held by each entity included in the summary; (5) identify the customer's account number at each entity and provide contact information for customer service at each entity (if the customer's account number and customer service contact information at each entity are included on their respective account statements, then such information need not be included on the summary statement); and (6) identify each entity that is a SIPC member.[44] Proposed Supplementary Material .08 would also require FINRA members to: (1) ensure that when summary statements aggregate the values of the accounts summarized or portions thereof, such aggregation is recognizable as having been arithmetically derived from the separately stated totals or their components;[45] (2) distinguish the beginning and end of each separate statement by color, pagination or other distinct form of demarcation;[46] (3) ensure that there is a written agreement between the clearing firm and each other person jointly providing its respective customer account statements attesting that each such person has developed procedures and controls for reviewing and testing the accuracy of the information included on its respective statements;[47] and (4) ensure the summary statement complies with Rule 2231.[48]

FINRA stated these requirements would help ensure customer account statements clearly identify the respective entities involved in a summary statement and distinguish brokerage assets from non-brokerage assets on such statements.[49]

C. NYSE Provisions To Be Deleted and Not Harmonized With Rule 2231

The proposed rule change would delete NYSE Rule 409T and NYSE Rule Interpretation 409T in their entirety on the basis that the underlying concepts in these provisions will have been included in Rule 2231, are duplicative of other rules, or are outdated.[50] The following describes portions of the NYSE Provisions that would not be incorporated into Rule 2231.

1. NYSE Rule 409T(b) (Confirmations or Other Communications)

As stated above, NYSE Rule 409T(b) currently allows a customer to instruct a firm to direct account statements, confirmations or other communications to a third party holding a POA over the account where the customer either provided the firm written instructions or the firm continued to send the customer duplicate copies of the statements, confirmations or other communications.[51] Proposed Supplementary Material .02 would address the transmission of customer account statements to third parties in a manner similar, but not identical, to NYSE Rule 409T.[52] FINRA stated that the scope of proposed Supplementary Material .02 would be limited to customer account statements, and would not apply to confirmations or other communications.[53] FINRA stated that the delivery requirements of confirmations are already governed by Exchange Act Rule 10b–10 (Confirmation of transactions)[54] and FINRA Rule 2232 (Customer Confirmations).[55] Further, FINRA stated that including the term ''other communications'' would inappropriately capture unintended operational communications with third parties (*e.g.,* custodians, transfer agents, and counterparties) where firms need to send ''communications'' about a customer's account in order to provide a service requested for the customer.[56]

2. Supplementary Material .10(1)–(6) to NYSE Rule 409T (Exceptions to NYSE Rule 409T(b))

Supplementary Material .10 to NYSE Rule 409T establishes exceptions to NYSE Rule 409T(b). Specifically, Supplementary Material .10 to NYSE Rule 409T states that notwithstanding NYSE Rule 409T(b), a NYSE member organization may address confirmations, statements or other communications to certain nonmember customers (*e.g.,* trust accounts, when a partner, stockholder or employee of a member organization is a trustee and has been duly authorized by all other trustees to receive communications covering the account).[57] In light of the proposed elimination of NYSE Rule 409T, the proposed rule change would also eliminate the exceptions found in Supplementary Material .10(1)–(6) of NYSE Rule 409T.

3. NYSE Rule 409T(e)(1) (Legend on Account Statements Pertaining to Firm's Financial Statements)

NYSE Rule 409T(e)(1) currently requires the inclusion of a legend on all account statements that: (1) notifies customers that a financial statement of the organization is available for inspection at its offices or a copy can be mailed upon request; (2) advises customers (a) to report promptly any inaccuracy or discrepancy in that person's account to their brokerage firm and (b) if a customer's account is subject to a clearing agreement pursuant to Exchange Rule 382, that such notification be sent to both the introducing firm and the clearing firm; and (3) advises the customer that any oral communications with either the introducing firm or the clearing firm should be reconfirmed in writing in

[42] *See* NYSE Rule Interpretation 409T(a)/06.

[43] *See* Notice, 86 FR at 55645.

[44] *See* Proposed Supplementary Material .08(a)(1)–(6).

[45] *See* Proposed Supplementary Material .08(b).

[46] *See* Proposed Supplementary Material .08(c).

[47] *See* Proposed Supplementary Material .08(d).

[48] *See* Proposed Supplementary Material .08(e).

[49] *See* Notice, 86 FR at 55645.

[50] *See* Notice, 86 FR at 55646.

[51] *See* NYSE Rule 409T(b); *see also* Notice, 86 FR at 55653.

[52] *See* Notice, 86 FR at 55643.

[53] *See* Notice, 86 FR at 55646.

[54] 17 CFR 240.10b–10.

[55] *See* Notice, 86 FR at 55646.

[56] *See* Notice, 86 FR at 55651.

[57] *See* Supplementary Material .10 to NYSE Rule 409T.

order to further protect the customer's rights under the Securities Investor Protection Act (SIPA).[58] FINRA stated the proposed rule change would eliminate this requirement in light of existing requirements under: (1) Exchange Act Rule 17a–5(c) (Reports to be Made by Certain Brokers and Dealers),[59] which generally requires broker-dealers that carry customer accounts to provide statements of the broker-dealer's financial condition to their customers; (2) FINRA Rule 2261 (Disclosure of Financial Condition), which requires a member to make information relative to a FINRA member's financial condition available for inspection by customers, upon request;[60] and (3) Rule 2231(a), which requires a general securities member to include in the account statement a statement advising a customer to report promptly any inaccuracy or discrepancy in that person's account to the member firm, and that any oral communication to the member firm should be reconfirmed in writing to further protect the customer's rights, including rights under SIPA.[61]

4. NYSE Rule 409T(g) (Duplicate Copies of Monthly Statements to Guarantors)

NYSE Rule 409T(g) provides that member organizations carrying margin accounts for customers should send duplicate copies of monthly statements of guaranteed accounts to the respective guarantors unless the guarantors have specifically provided in writing that they do not want such statements sent to them. FINRA stated the substance of NYSE Rule 409T(g) is consistent with the general requirement in proposed Supplementary Material .02 to obtain written instructions from customers to send account statements to third parties.[62] Accordingly, the proposed rule change would eliminate NYSE Rule 409T(g).

5. Supplementary Material .10(7) to NYSE Rule 409T (Holding Customer Mail)

Supplementary Material .10(7) to NYSE Rule 409T states that under certain circumstances, a member organization may hold mail for customers who will not be at their usual address for the period of their absence.[63] FINRA stated the proposed rule change would eliminate the concept of holding customer mail set forth in Supplementary Material .10(7) to NYSE Rule 409T. FINRA also stated that FINRA members' obligations concerning this activity are addressed in FINRA Rule 3150 (Holding of Customer Mail), and that proposed Supplementary Material .04 to Rule 2231 would expressly permit members to hold customer mail consistent with Rule 3150.[64]

6. NYSE Rule Interpretation 409T(a)/03 (Use of Third Party Agents)

NYSE Rule Interpretation 409T(a)/03 states that prior to utilizing a third party agent to prepare and/or transmit statements of accounts to customers, an NYSE member organization must represent/undertake in writing to NYSE that: (1) the third party is acting as an agent for the member organization; (2) the member organization retains responsibility for compliance with NYSE Rule 409T(a); (3) the member organization has developed procedures/controls for reviewing and testing the accuracy of account statements prepared and/or transmitted by the third party agent; and (4) the member organization will retain copies of all such account statements in accordance with applicable books and records requirements.[65] In addition, NYSE Rule Interpretation 409T(a)/03 states that the allocation of responsibilities for the preparation and/or transmission of statements to any person other than a carrying organization pursuant to an agreement approved by the NYSE in accordance with Exchange Rule 382 (Carrying Agreements) is deemed to be utilization of a third party agent; and provides that an introducing organization that is a provider of services included in a member organization's statements of accounts may not function as a third party agent and may not itself prepare and/or transmit such statements.[66] FINRA stated the proposed rule change would eliminate NYSE Rule Interpretation 409T(a)/03 because such arrangements are addressed in FINRA Rule 4311 (Carrying Agreements) and other relevant guidance.[67]

7. NYSE Rule Interpretation 409T(b)/01 (Standards for Holding Mail for Foreign Customers—NYSE Rule 409T(b)(2) Waivers)

NYSE Rule Interpretation 409T(b)/01 currently provides detailed requirements for a member organization requesting that NYSE agree to let it hold a foreign customer's confirmations, statements, and broker-dealer financial statements.[68] FINRA stated the proposed rule change would eliminate this interpretation because FINRA member obligations with respect to holding customer mail are already addressed by FINRA Rule 3150 (Holding of Customer Mail), which is referenced in proposed Supplementary Material .04 to Rule 2231.[69]

D. Technical Changes and Amendment No. 1

Interpretative Material (''IM'')–1013–1 (Membership Waive-In Process for Certain New York Stock Exchange Member Organizations) and IM–1013–2 (Membership Waive-In Process for Certain NYSE American LLC Member Organizations) describe a waive-in membership application process for some member organizations of the NYSE and NYSE American LLC.[70] FINRA stated that, subject to specified terms set forth in these interpretative materials, firms admitted to FINRA membership through either of these provisions (*i.e.,* ''waived-in firms'') are not subject to the remaining FINRA rules that have yet to be harmonized with their corresponding NYSE rules or interpretations under the Temporary Dual FINRA–NYSE Member Rule Series.[71] Currently, these rules are Rule 2231 and the NYSE Provisions. The proposed rule change would amend IM–1013–1 and IM–1013–2 to remove the reference to Rule 2231 as all waived-in firms will become subject to Rule 2231, as amended herein.[72]

FINRA also proposed Amendment No. 1 to make technical changes to the proposed rule change by changing the term ''clearing firm'' to ''carrying firm'' in the following places: (1) proposed Rule 2231(a); (2) proposed Supplementary Material .05(a)–(b) to Rule 2231; (3) proposed Supplementary Material .07 to Rule 2231; and (4) proposed Supplementary Material .08(d) to Rule 2231.[73] FINRA stated that changing the term ''clearing firm'' to ''carrying firm'' would maintain

[58] *See* NYSE Rule 409T(e).

[59] *See* 17 CFR 240.17a–5(c) (Customer Statements).

[60] *See* Notice, 86 FR at 55646.

[61] *See* Notice, 86 FR at 55649.

[62] *See* Notice, 86 FR at 55646.

[63] *See* Supplementary Material .10(7) to NYSE Rule 409T.

[64] *See* Notice, 86 FR at 55646.

[65] *See* NYSE Rule Interpretation 409T(a)/03.

[66] *Id.*

[67] *See* Notice, 86 FR at note 29 (citing *Notice to Members* 05–48 (July 2005) (describing a member's responsibilities when outsourcing activities to third party service providers)), and accompanying text.

[68] *See* NYSE Rule Interpretation 409T(b)/01.

[69] *See* Notice, 86 FR at 55646.

[70] *See* Notice, 86 FR at 55646–7.

[71] *See* Notice, 86 FR at 55647.

[72] *Id.*

[73] *See* OIP and Amendment No. 1, 87 FR at 1202.

consistency given the proposed supplementary materials are derived largely from their corresponding NYSE provisions, which use the term ''carrying organization.'' [74]

E. Effective Date

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a regulatory notice to be published no later than 365 days following Commission approval.[75] FINRA also stated that the proposed rule change would apply prospectively.[76] For example, FINRA stated that a member firm with a customer having a preexisting arrangement to deliver account statements to a third party that was established before the effective date of the proposed rule change would not be subject to the requirements of proposed Supplementary Material .02 to Rule 2231 solely with respect to such account until that pre-existing third party delivery arrangement is modified in any manner; further, where any existing or new customer of the firm seeks to establish a third party delivery arrangement on or after the effective date of the proposed rule change, the firm would be subject to the terms of the new rule.[77]

III. Discussion and Commission Findings

After careful review of the proposed rule change, the comment letters,[78] and FINRA's response to the comments, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to national securities associations.[79] Specifically, the Commission finds the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act, which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest.[80]

A. Proposed Supplementary Materials .01 (Compliance With Rule 4311)

As stated above, proposed Supplementary Material .01 would remind firms of their obligations under Rule 4311, which governs the requirements applicable to member firms when entering into agreements for the carrying of any customer accounts in which securities transactions can be effected. FINRA stated that proposed Supplementary Material .01 would emphasize the importance of ensuring the accuracy and integrity of customer account statements.[81] We received no comments on this provision.

Reminding firms of their obligations under Rule 4311 in Supplementary Material .01 to Rule 2231 would help firms comply with their regulatory obligations under Rule 4311, which were designed to protect their customers. Accordingly, the Commission finds that proposed Supplementary Material .01 to Rule 2231 is designed to protect investors and is in the public interest.

B. Proposed Supplementary Material .02 (Transmission of Customer Account Statements to Other Persons or Entities)

As stated above, proposed Supplementary Material .02 would prohibit FINRA members from sending customer account statements to third parties unless the customer provides a member written instructions to do so, and the member sends duplicate account statements directly to the customer either in paper format or electronically. Proposed Supplementary Material .02 would allow FINRA members to cease sending duplicate account statements to the customer when a court appoints a guardian, conservator, trustee, personal representative or other person with legal authority to act on a customer's behalf, and such court-appointed fiduciary provides the member written instructions to cease sending duplicate statements to the customer and an official copy of the court appointment that establishes authority over the customer's accounts.

Multiple commenters stated that the proposed Supplementary Material .02 would improperly balance investor protection against investor preferences.[82] In particular, commenters stated the requirement to send duplicate account statements to customers even when customers request otherwise through an agent or attorney-in-fact appointed under a valid POA would undermine the customer's intent for naming the POA.[83] Commenters stated also that having the proposed exception only available to court-appointed fiduciaries and the proposed electronic delivery option are insufficient.[84] The commenters, therefore, recommended that the proposed exception to the continuous delivery requirement should be expanded to include agents or attorneys-in-fact appointed under a valid durable or springing POA who provide written instructions to cease sending statements to customers.[85]

[74] *Id.*

[75] *See* Notice, 86 FR at 55647.

[76] *See* Notice, 86 FR at 55654.

[77] *See* Notice, 86 FR at note 73 (stating that the proposed rule change is not intended to impact preexisting agreements that use third party agents if they comport with applicable FINRA rules and guidance).

[78] *See* letters from Bernard V. Canepa, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association (''SIFMA'') to Vanessa A. Countryman, Secretary, Commission, dated October 27, 2021 (''SIFMA Letter'') (stating that ''SIFMA understands and fully supports FINRA in its effort to protect sensitive customer information from unauthorized persons''); Clifford Kirsch and Eric Arnold, Eversheds Sutherland LLP, on behalf of Committee of Annuity Insurers (''CAI'') to Secretary, Commission, dated October 27, 2021 (''CAI Letter'') (stating that CAI is ''generally supportive of the proposed changes''); and letter from Emily Micale, Director, Federal Regulatory Affairs, Insured Retirement Institute, Inc. (''IRI'') to Vanessa A. Countryman, Secretary, Commission, dated October 27, 2021 (''IRI Letter'') (stating that it ''supports SIFMA's comments with respect to its requests and recommendations regarding FINRA's Customer Account Statement Proposal''); *see also* letter from Anonymous, dated October 28, 2021. Anonymous stated that FINRA should also consider amending FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions) to consider whether the Commission's Consolidated Audit Trail could be leveraged to eliminate the operational burden associated with complying with Rule 3210. In response, FINRA stated that while it appreciates Anonymous' comments, it considers them to be outside the scope of the proposed rule change. *See* FINRA Response Letter, at 5.

[79] In approving this rule change, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[80] 15 U.S.C. 78o–3(b)(6).

[81] *See* Notice, 86 FR at 55643.

[82] *See* SIFMA Letter, at 1 (''Of greatest concern to SIFMA is Supplemental Material .02's proposed requirement to continue to send duplicate account statements to customers in contravention to their express wishes''); *see* SIFMA Letter, at 2–3 (''the inability to stop delivery of account statements to incapacitated or vulnerable customers, particularly those living in assisted-living facilities, nursing homes, or at home where non-family, paid caregivers regularly have access to sensitive customer information and are as likely [to] perpetuate fraud against the customer should be just as concerning''); *see also* IRI Letter, at 1 (''IRI expresses its support for SIFMA's specific comments presenting recommendations, clarifications, and proposals as detailed in [SIFMA's] comment letter'').

[83] *See* SIFMA Letter and IRI Letter.

[84] *See* SIFMA Letter and IRI Letter (both stating that requiring the delivery of duplicate account statements to vulnerable customers is just as likely to result in fraud as allowing POA holders to cease delivery because those living in assisted-living facilities, nursing homes, or at home, where non-family, paid caregivers regularly have access to sensitive customer information are just as likely perpetuate fraud as POA holders. Moreover, these commenters stated customers often cannot provide the consent required to establish electronic delivery of account statements because their agents or attorneys-in-fact do not contact the member firm until the customer becomes incapacitated.).

[85] *See* SIFMA Letter and IRI Letter (both stating that POAs are an integral part of modern estate plans and provide the benefit of not having to go to court to have a fiduciary appointed, which can be costly, time-consuming, and public).

In response, FINRA stated that it appreciated the concerns commenters raised about customers for whom their agent or attorney-in-fact may have a protective reason to instruct a firm to stop the delivery of account statements, particularly for customers who still receive account statements in paper format.[86] Nonetheless, FINRA stated also that the ability to review account statements, in paper format or electronically, is a way that customers may discover inaccuracies or discrepancies in their accounts, and, potentially, unauthorized transactions or financially exploitative activities that have occurred in their accounts. FINRA stated that this ability must be preserved in all but compelling circumstances.[87] FINRA also stated that fraud or financially exploitative or abusive activity may manifest in a variety of ways, including misuse of a POA.[88] Further, FINRA stated that courts appoint fiduciaries based on their objective review of the facts and circumstances of a case. Thus, limiting the exception to where a court-appointed fiduciary seeks the cessation of the delivery of account statements to a customer would appropriately balance the investor protection functions of ensuring customers' ability to monitor and verify transactions occurring in their accounts, by limiting a firm's ability to cease delivery of unwanted duplicate account statements only in the kinds of exigent circumstances requiring a court-appointed fiduciary.[89] For these reasons, FINRA declined to amend the proposed rule change in response to the commenters' concerns.[90]

Rule 2231's statement delivery requirement provides customers with the ability to monitor and verify the transactions occurring in their accounts. The ability to review information regarding one's own securities account is a critical tool for customers to identify inaccuracies, and to detect and report potential fraud and financial exploitation involving their accounts on a timely basis. In some instances, however, the risk of receiving an account statement, particularly in physical form, may be higher than the risks associated with being unable to review them. Accordingly, while we acknowledge the general importance of customers receiving their account statements, there is also a potential risk, in certain cases, of having them delivered.

Permitting a court-appointed fiduciary to request the suppression of duplicate account statement delivery to a customer whom the fiduciary serves is a reasonable exception to Rule 2231's general requirements.[91] This exception to the requirement to continuously provide a customer account statement strikes a reasonable balance between the investor protection goals served by a customer's receipt of the statement on a continuous basis and the ability to suppress delivery in exigent circumstances where a court-appointed fiduciary requests the customer's broker-dealer to cease delivery. Further, proposed Supplementary Material .02 would not change the ability of firms to send account statements to customers electronically, consistent with prior Commission guidance.[92]

Accordingly, for the reasons set forth above, the Commission finds that proposed Supplementary Material .02 to Rule 2231 is designed to protect investors and is in the public interest.

C. Proposed Supplementary Material .03 (Use of Electronic Media To Satisfy Delivery Obligations)

As stated above, proposed Supplementary Material .03 would allow member firms to satisfy their delivery obligations under Rule 2231 by using electronic media subject to compliance with standards established by the Commission on the use of electronic media for delivery purposes.[93] FINRA stated that this proposed supplementary material would be consistent with prior guidance FINRA has issued on the use of electronic media to satisfy delivery obligations.[94] FINRA also stated that proposed Supplementary Material .03 would not impose any new delivery obligations beyond existing requirements.[95] We received no comments on this provision.

Allowing member firms to satisfy their delivery obligations under Rule 2231 by using electronic media subject to compliance with standards established by the Commission on the use of electronic media for delivery purposes would help firms comply with Rule 2231 by providing an alternative to mail for delivering customer account statements. In addition, proposed Supplementary Material would help ensure that customers continue to receive their account statements using their expressed desired delivery method. Accordingly, the Commission finds that proposed Supplementary Material .03 to Rule 2231 is designed to protect investors and is in the public interest.

D. Proposed Supplementary Material .04 (Compliance With Rule 3150)

As stated above, proposed Supplementary Material .04 would emphasize that member firms are permitted to hold customer mail, including customer account statements or other communications relating to a customer's account, subject to the requirements of Rule 3150, which sets forth the requirements applicable to member firms when they agree to hold a customer's mail. FINRA stated that proposed Supplementary Material .04 reminds firms of existing obligations and would not impose any additional burden.[96] We received no comments on this provision.

Reminding firms of their obligations under Rule 3150 when they agree to hold a customer's mail would help firms comply with their regulatory obligations under Rule 3150. Accordingly, for the reasons set forth above, the Commission finds that proposed Supplementary Material .04 to Rule 2231 is designed to protect investors and is in the public interest.

E. Proposed Supplementary Material .05 (Information To Be Disclosed on Statement)

As stated above, proposed Supplementary Material .05 would specify the information that must be clearly and prominently disclosed on the front of a customer account statement, such as, the identity of the introducing and carrying organizations, that the carrying organization is a member of SIPC, and the opening and closing account balances for the customer's account. FINRA stated that proposed Supplementary Material .05 would incorporate without substantive changes NYSE Rule Interpretation 409T(a)/02.[97] Deleting the NYSE rule in favor of a global FINRA rule would expand the coverage of these requirements to all FINRA members rather than just NYSE members. Proposed Supplementary Material .05

[86] *See* FINRA Response Letter, at 3. FINRA also stated that the proposed rule change would establish other protections such as proposed Supplementary Material .03, which would allow a customer that is concerned about the delivery of account statements in paper format to elect to receive such statements electronically. *See* Notice, 86 FR at 55648.

[87] *See* FINRA Response Letter, at 3

[88] *Id.*

[89] *Id.*

[90] *See* FINRA Response Letter, at 9.

[91] The Commission reminds broker-dealers that nothing in Rule 2231 affects a broker-dealer's obligations with respect to delivery of trade confirmations, which remain governed by Exchange Act Rule 10b–10 and FINRA Rule 2232.

[92] *See supra* note 24 and accompanying text.

[93] *Id.*

[94] *See supra* note 25.

[95] *See* Notice, 86 FR at 55655.

[96] *See* Notice, 86 FR at 55648.

[97] *Id.*

would provide customers with important information about their financial professionals and investments to help them evaluate their customer account statements. Accordingly, for the reasons set forth above, the Commission finds that proposed Supplementary Material .05 to Rule 2231 is designed to protect investors and is in the public interest.

F. Proposed Supplementary Material .06 (Assets Externally Held)

As stated above, proposed Supplementary Material .06 to Rule 2231 would incorporate without substantive changes NYSE Rule Interpretation 409T(a)/04, which provides that where a customer account statement includes assets the member organization does not have access to and which are not included on the member organization's books and records, such assets must be clearly and distinguishably separated on the account statement. Proposed Supplementary Material .06 would also require customer account statements to: (1) clearly indicate that externally held assets are included on the statement solely as a courtesy to the customer; (2) disclose that information (including valuation) for externally held assets included on a statement is derived from the customer or other external sources for which the FINRA member is not responsible; and (3) identify that such externally held assets may not be covered by SIPC.

One commenter requested that FINRA clarify whether variable annuity or other registered annuity contracts would be deemed ''externally held'' under proposed Supplementary Material .06 when such contracts are held by the issuing insurance company.[98] The commenter stated that it would be most appropriate for these contracts to be deemed ''externally held'' and subject to proposed Supplementary Material .06.[99]

In response, FINRA stated proposed Supplementary Material .06 is not intended to alter the substantive terms or existing guidance pertaining to the NYSE's current interpretation for the required disclosures on account statements for externally held assets as promulgated in NYSE Rule Interpretation 409T(a). Accordingly, proposed Supplementary Material .06 should not impact how firms currently treat variable annuity or other registered annuity contracts when such contracts are held by the issuing insurance company for purposes of interpreting ''externally held.'' [100] Nevertheless, FINRA stated that it would address scenarios regarding the application of the new supplementary materials, including new Supplementary Material .06, through its interpretive process on a case-by-case basis or through future rulemaking, as appropriate.[101] Accordingly, FINRA declined to amend the proposed rule change in response to the comment.[102]

Requiring all FINRA members' (and not just NYSE members') customer account statements to disclose how information, including valuation, for externally held assets is derived and identifying that such assets may not be covered by SIPC would provide useful information to a firm's customers when reviewing their investments. Supplementary Material .06 is reasonably designed to distinguish, on the customer account statement, assets the member firm does not carry on behalf of a customer, and are not included on the member's books and records, from those that are. Accordingly, for the foregoing reasons, the Commission finds that proposed Supplementary Material .06 to Rule 2231 is designed to protect investors and is in the public interest. The Commission also acknowledges FINRA's commitment to provide interpretations about the applicability of the rule, including about its applicability to specific products, as appropriate.

G. Proposed Supplementary Material .07 (Use of Logos, Trademarks, etc.)

As stated above, proposed Supplementary Material .07 would address a firm's use of logos, trademarks and other similar identification of a person on a customer account statement.

FINRA stated that proposed Supplementary Material .07 would incorporate without substantive changes NYSE Rule Interpretation 409T(a)/05.[103] FINRA also stated that the proposed Supplementary Material .07 would be consistent with the general requirements of Rule 2210 (Communications with the Public).[104] We received no comments on this provision.

Proposed Supplementary Material .07 is substantively similar to rules the statutory basis for which the Commission has already considered,[105] and is consistent with FINRA Rule 2210. Further, proposed Supplementary Material .07 would provide greater clarity and regulatory efficiency to all FINRA member firms. Accordingly, for the reasons set forth above, the Commission finds that proposed Supplementary Material .07 to Rule 2231 is designed to protect investors and is in the public interest.

H. Proposed Supplementary Material .08 (Use of Summary Statements)

As stated above, proposed Supplementary Material .08 to Rule 2231 would incorporate without substantive changes NYSE Rule Interpretation 409T(a)/06, establishing obligations where a FINRA member holding a customer's account and another person who separately offers related financial products or services to the same customer jointly provide their respective account statements together with a statement summarizing or combining assets held in different accounts.

Commenters stated that FINRA's description of proposed Supplementary Material .08(d) in the Notice differs from the text of proposed Supplementary Material .08 and expressed concern that this wording difference between the proposed rule text and FINRA's description would create confusion for firms determining with whom to enter an agreement when preparing a joint statement and requested clarification.[106]

[98] *See* CAI Letter.

[99] *Id.*

[100] *See* FINRA Response Letter, at 5–6.

[101] *See* FINRA Response Letter, at 5.

[102] *See* FINRA Response Letter, at 9.

[103] *See* Notice, 86 FR at 55645.

[104] *Id.*

[105] *See supra* note 11.

[106] *See* SIFMA Letter and IRI Letter. Specifically, commenters stated that proposed Supplementary Material .08 states that where a member firm holds a customer's account and another person(s) who separately offers financial related products or services to the same customer seek to jointly provide their respective customer account statements together with a summary statement, the firm must, among other things ''ensure that there is a written agreement *between the clearing firm and each other person* jointly providing its respective customer account statements attesting that each such person has developed procedures and controls for reviewing and testing the accuracy of the information included on its respective statements'' (emphasis added). In the Notice, however, FINRA describes proposed Supplementary Material .08 as requiring ''a written agreement *between the parties* jointly formulating or distributing combined statements with the summary attesting that each entity has developed procedures and controls for testing the accuracy of its own information included on the statements'' (emphasis added). *Id.*

FINRA stated that proposed Supplementary Material .08 is not intended to alter the substantive terms or existing guidance pertaining to the current NYSE requirements governing the use of summary statements.[107] Accordingly, proposed Supplementary Material .08 would not impact how firms currently comply with the supplemental obligations.[108] FINRA also stated that its description of proposed Supplementary Material .08 in the Notice does not change the proposed requirements of that supplementary material.[109] Accordingly, FINRA stated that similar to NYSE Rule Interpretation 409T(a)/06, under proposed Supplementary Material .08, a ''clearing firm'' must be a party to a written agreement with each other person jointly providing its respective customer account statements.[110]

Proposed Supplementary Material .08 would establish summary statement disclosure requirements for all FINRA members (rather than just NYSE members). These summary statement disclosure requirements (*e.g.,* that the summary statement is provided for the customer's convenience, does not replace other statements, identifies where assets are held, and which entities are SIPC members) would protect investors by clarifying key information about the investors' assets to help them evaluate their investments. Accordingly, for the reasons set forth above, the Commission finds that proposed Supplementary Material .08 is designed to protect investors and is in the public interest.

I. Proposed Deletion of NYSE Rule 409T and NYSE Rule Interpretation 409T

FINRA stated that the proposed rule change would delete the NYSE Provisions in their entirety on the basis that they are duplicative of other existing rules,[111] are outdated,[112] or the underlying concepts in these provisions will have been included in the proposed Supplementary Materials to Rule 2231.[113] As discussed more fully above, the Commission finds that maintaining two versions of substantially similar rules could cause confusion and undermine firm compliance with their obligations regarding providing account statements to their customers, which could erode investor protections. For the reasons set forth above, the Commission finds that the proposed deletion of the NYSE Provisions is designed to protect investors and is in the public interest.

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Exchange Act [114] that the proposed rule change (SR–FINRA–2021–024), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[115]

J. Matthew DeLesDernier,

Assistant Secretary.

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[107] *See* FINRA Response Letter, at 6.

[108] *Id.; see also* Paragraph 4 of NYSE Rule Interpretation 409T(a)/06.

[109] *See* FINRA Response Letter, at 7.

[110] *Id.*

[111] For example, NYSE Rule 409T(b) and Supplementary Material .10 to NYSE Rule 409T allow for the suppression of trade confirmations, and NYSE Rule 409T(g) provides that members organizations carrying margin accounts for customers should send duplicate copies of monthly statements of guaranteed accounts to the respective guarantors unless the guarantors have specifically declared in writing that they do not want such statements sent to them. Because the delivery requirements of confirmations are governed by Exchange Act Rule 10b–10 (Confirmation of Transactions) and FINRA Rule 2232 (Customer Confirmations), and the general requirements of proposed Supplementary Material .02 cover duplicate delivery issues, FINRA is not incorporating these provisions into Supplementary Material .02. Moreover, NYSE Rule 409T(e)(1) requires a legend on account statements notifying customers that this member organization's financial statements are available for inspection upon request. Because Exchange Act Rule 17a–5(c) (Reports to be Made by Certain Brokers and Dealers) and FINRA Rule 2261 (Disclosure of Financial Condition) contain similar provisions, FINRA is not incorporating these provisions. Additionally, Supplementary Material .01(7) to NYSE Rule 409T states that upon the written instructions of a customer and with the written approval of a member or supervisor of a member organization, a member organization may, under certain circumstances, hold mail for a customer who will not be at his usual address for the period of his absence, and NYSE Rule Interpretation 409T(b)/01 provides guidelines for holding confirmations, statements, and broker-dealer financial statements for foreign customers. FINRA members' obligations concerning these activities are addressed in FINRA Rule 3150 (Holding of Customer Mail) and, thus, FINRA would not incorporate these provisions. NYSE Rule Interpretation 409T(a)/03 addresses the allocation of responsibilities when using third parties to prepare and transmit account to customers statements. These arrangements are addressed in FINRA Rule 4311 (Carrying Agreements) and other FINRA guidance, and, thus, would also not be incorporated. *See* Notice, 86 FR at 55646.

[112] For example, NYSE Rule 409T.10(1) through (6) provide exceptions to the requirements of NYSE Rule 409T(b) for persons having powers of attorney. As described above, proposed Supplementary Material .02 would provide a narrower exception for court-appointed fiduciaries. FINRA is therefore not incorporating these NYSE terms into Supplementary Material .02. *See* Notice, 86 FR at 55646.

[113] *See* Notice, 86 FR at 55646.

[114] 15 U.S.C. 78*s*(b)(2).

[115] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–447, OMB Control No. 3235–0504]

Proposed Collection; Comment Request; Extension: Rule 19b–4(e) and Form 19b–4(e)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street, NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19b–4(e) (17 CFR 240.19b–4(e)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 19b–4(e) permits a self-regulatory organization (''SRO'') to list and trade a new derivative securities product without submitting a proposed rule change pursuant to Section 19(b) of the Act (15 U.S.C. 78s(b)), so long as such product meets the criteria of Rule 19b–4(e) under the Act. However, in order for the Commission to maintain an accurate record of all new derivative securities products traded on the SROs, Rule 19b–4(e) requires an SRO to file a summary form, Form 19b–4(e), to notify the Commission when the SRO begins trading a new derivative securities product that is not required to be submitted as a proposed rule change to the Commission. Form 19b–4(e) should be submitted within five business days after an SRO begins trading a new derivative securities product that is not required to be submitted as a proposed rule change. In addition, Rule 19b–4(e) requires an SRO to maintain, on-site, a copy of Form 19b–4(e) for a prescribed period of time.

This collection of information is designed to allow the Commission to maintain an accurate record of all new derivative securities products traded on the SROs that are not deemed to be proposed rule changes and to determine whether an SRO has properly availed itself of the permission granted by Rule 19b–4(e). The Commission reviews SRO compliance with Rule 19b–4(e) through its routine inspections of the SROs.

The respondents to the collection of information are SROs (as defined by the Act), all of which are national securities

exchanges. As of April 8, 2022 there were 24 entities registered as national securities exchanges with the Commission. The Commission receives an average total of 2,331 responses per year, which corresponds to an estimated annual hour burden of approximately 2,331 hours (2,331 responses × 1 hour per response). At an average hourly cost of $72, the aggregate related internal cost of compliance for Rule 19b–4(e) is approximately $167,832 per year (2,331 burden hours multiplied by $72/hour).

Compliance with Rule 19b–4(e) is mandatory. Information received in response to Rule 19b–4(e) shall not be kept confidential; the information collected is public information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by August 8, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 1, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12158 Filed 6–6–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95021; File No. SR–NSCC–2022–007]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise the Voluntary Termination Provisions of the NSCC Rules for Limited Members

June 1, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 27, 2022, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and subparagraph (f)(6)[4] of Rule 19b–4 thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change of NSCC consists of modifications to NSCC's Rules & Procedures (the ''Rules'')[5] to revise the voluntary termination provisions of the Rules in order to provide that a Limited Member may be deemed to have voluntarily terminated its membership if NSCC is unable to contact the Limited Member's authorized representatives, and the Limited Member has not used NSCC's services for at least 6 months. The proposed changes are described in greater detail below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of modifications to the voluntary termination provisions of the Rules in order to provide that a Limited Member may be deemed to have voluntarily terminated its membership if NSCC is unable to contact an authorized representative of the Limited Member, as designated by the participant pursuant to Rule 5,[6] and there has been no activity in the account by the participant for at least 6 months. The proposed changes are described in greater detail below.

(i) NSCC Membership Types/Limited Members

NSCC has several types of membership with different access levels to services.[7] Generally, such membership types can be categorized into ''Members'' which are full-service participants that have access to NSCC's central counterparty services and ''Limited Members'' whose access to services is limited to certain services by membership type specified by NSCC.[8] The services available for Limited Members are ''non-guaranteed'' services—meaning that NSCC does not act as a central counterparty or guarantee payments for transactions conducted through these services.[9] If a Limited Member using non-guaranteed services fails to pay for a transaction at settlement, NSCC does not guarantee the payment and may reverse in whole or in part any credit previously given to the contra side.[10] As a result, NSCC bears less risk for payments relating to non-guaranteed services than it does for payments relating to its guaranteed services.

(ii) NSCC Termination Provisions

NSCC has several Rules relating to the termination of a Limited Member's membership. Those Rules include

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Capitalized terms not defined herein are defined in the Rules, *available at https://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] *See* Rule 5, Section 2, *supra* note 5, which requires that a Limited Member appoint a representative that is duly authorized in the name and on behalf of the Limited Member to sign all instruments, correct errors and to perform such other duties as may be required under the Rules and the Procedures and to transact all business requisite in connection with the operations of NSCC.

[7] *See* Rule 2, *supra* note 5, which describes various NSCC membership types.

[8] *Id.*

[9] *See* Addendum D of the Rules, *supra* note 5.

[10] *See* Addendum D of the Rules, *supra* note 5.

provisions that allow NSCC to terminate the membership of a Limited Member involuntarily (*i.e.,* ''cease to act'') if the Limited Member violates the Rules or in certain other circumstances listed in the Rules (''Involuntary Termination Provisions'')[11] and provisions that provide that Limited Members can voluntarily terminate their membership with NSCC. Section 5 of Rule 2B[12] contains provisions relating to the voluntary termination of a Limited Member's membership (collectively, the ''Voluntary Termination Provisions'').[13] The Voluntary Termination Provisions generally state that a Limited Member may terminate its membership by providing NSCC a voluntary termination notice, and such termination will not be effective until NSCC has accepted the termination notice. The Voluntary Termination Provisions provide that NSCC's acceptance shall be evidenced by a notice to NSCC's participants announcing the Limited Member's termination and the effective date of the termination.

(iii) Abandoned/Dormant Accounts

Neither the Involuntary Termination Provisions nor the Voluntary Termination Provisions explicitly provide for a situation where a Limited Member does not provide a voluntary termination notice, stops using its account, and NSCC is unable to establish communications with the Limited Member. This could occur for instance if the Limited Member has gone out of business, merged into another entity and/or liquidated without notifying NSCC. Although Limited Members are required to notify NSCC of any material organizational changes and if they no longer meet continuing membership standards,[14] NSCC may not know if a Limited Member has undergone such a change until NSCC has been notified, NSCC discovers the circumstances due to its ongoing monitoring of its Limited Members,[15] or the Limited Member fails to deliver financial statements or other reports required to be delivered to NSCC periodically.[16]

It is likely in such a situation, that the Limited Member would eventually violate a Rule, such as failing to provide a Cybersecurity Confirmation[17] or another ongoing membership requirement, and NSCC would eventually become aware that the Limited Member has effectively abandoned the account. For instance, as a result of following up with Limited Members on the Cybersecurity Confirmation requirement, NSCC has recently discovered that there are currently Limited Members that have not used NSCC's services for over 6 months. In addition, NSCC has been unable to contact the designated authorized representatives of such Limited Members.

NSCC could formally cease to act for such a Limited Member pursuant to the Involuntary Termination Provisions. If NSCC is unable to reach the Limited Member, or if NSCC knows that the Limited Member is unreachable because, for instance, it has gone out of business, NSCC does not believe that going through the steps of a cease to act, such as formally notifying the Limited Member with the grounds under consideration and its right to request a hearing, would be necessary or appropriate when NSCC has been unable to contact the Limited Member.[18] In addition, NSCC uses resources to maintain accounts, such as monitoring for compliance of the Rules, conducting risk assessments of Limited Members and updating account documentation. If a Limited Member has ceased using an account, and NSCC cannot contact the Limited Member, NSCC would like to avoid continuing to use resources to maintain the account.

NSCC is proposing to expand the Voluntary Termination Provisions to provide that a Limited Member would be deemed to have voluntarily terminated its membership if NSCC is unable to contact an authorized representative of the Limited Member, as designated by the Limited Member pursuant to Rule 5, and there has been no activity in the account by the Limited Member for at least 6 months. NSCC believes that in such situations, the Limited Member is effectively abandoning the account, which is equivalent to affirmatively taking action to close the account.

(iv) Proposed Rule Changes

NSCC is proposing to amend each of the Voluntary Termination Provisions to provide that a Limited Member may be deemed to have voluntarily terminated its membership if NSCC is unable to contact an authorized representative of the Limited Member, as designated by the Limited Member pursuant to Rule 5, and there has been no activity in the account by the Limited Member for at least 6 months. In addition, NSCC is proposing to add that any such deemed voluntary termination shall be effective when NSCC determines that the criteria for a deemed voluntary termination have been met (*i.e.,* NSCC is unable to contact the Limited Member and the Limited Member hasn't used its account for at least 6 months) and that NSCC's determination shall be evidenced by a notice to NSCC's participants announcing the Limited Member's termination and the effective date of termination.

(v) Implementation Timeframe

NSCC would implement the proposed changes no earlier than thirty (30) days after the date of filing, or such shorter time as the Commission may designate. As proposed, a legend would be added to Rule 2B stating there are changes that were effective upon filing but have not yet been implemented. The legend would also state that NSCC would implement the proposed changes no earlier than thirty (30) days after the date of filing, or such shorter time as the Commission may designate. The legend would state that the legend would automatically be removed upon the implementation of the proposed changes. NSCC would announce the implementation date of the proposed changes by Important Notice posted to its website.

2. Statutory Basis

NSCC believes that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, NSCC believes that the proposed rule changes are consistent with Section 17A(b)(3)(F)

[11] *See* Rules 18 and 46, *supra* note 5.

[12] Section 5 of Rule 2B, *supra* note 5. Note that although Settling Bank Only Members are listed as Limited Members (*See* Rule 2, Section 2(ii), *supra* note 5), Section 5 of Rule 2B does not apply to Settling Bank Only Members. *See also* Rule 2, Section 2, *supra* note 5 which states that when the Rules refer to ''Members and Limited Members'', the reference includes all member types; when reference is made to ''participants'' in the Rules (as in the Voluntary Termination Provisions), the reference generally means all participants other than Settling Bank Only Members, unless the context makes clear it refers to one or more specific member types. Section 5 of Rule 2B refers to all Limited Members except for Settling Bank Only Members. Section 5 of Rule 2B, *supra* note 5.

[13] The Rules also contain voluntary termination provisions related to a loss allocation withdrawal in Section 6 of Rule 4 that would not be affected by this proposed rule change. *See* Section 6 of Rule 4, *supra* note 5.

[14] *See* Section 2.B of Rule 2B, *supra* note 5.

[15] *See* Section 4 of Rule 2B, *supra* note 5, which provides that certain members will be monitored and reviewed on an ongoing and periodic basis.

[16] For instance, Section 2.A of Rule 2B, *supra* note 5, requires that a Limited Member provide a Cybersecurity Confirmation to NSCC every two years. If a Limited Member has gone out of business and/or liquidated, it would eventually fail to provide its Cybersecurity Confirmation.

[17] *See* Section 2.A of Rule 2B, *supra* note 5.

[18] *See* Rules 37, 45 and 46, which set forth certain steps to be taken by the Limited Member and NSCC in a cease to act including notification and hearing requirements. Rules 37, 45 and 46, *supra* note 5.

of the Act [19] and Rules 17Ad–22(e)(18) and (e)(23)(i),[20] each as promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.[21] The proposed revisions to the Voluntary Termination Provisions are consistent with Section 17A(b)(3)(F) of the Act because they would provide a clear and consistent standard relating to how NSCC would treat a Limited Member that is no longer using the account and that NSCC is unable to contact. Providing a clear and consistent standard would allow Limited Members to better understand NSCC's and the Limited Members' rights and obligations with respect to their membership. NSCC believes that when Limited Members better understand their rights and obligations regarding NSCC's clearance and settlement services, they can better act in accordance with the Rules. NSCC believes that better enabling Limited Members to comply with the Rules would promote the prompt and accurate clearance and settlement of securities transactions by NSCC consistent with Section 17A(b)(3)(F) of the Act.[22]

In addition, NSCC believes that treating such a Limited Member as having voluntarily terminated would make the membership maintenance process more efficient by allowing NSCC to avoid wasting resources on maintaining accounts that are no longer used and avoid having to cease to act in cases where attempting to provide notice to the Limited Member is pointless and unnecessary. Allowing NSCC to deem such a Limited Member as having voluntarily terminated would increase efficiency of the account maintenance process and would free up resources at NSCC which would leave more resources to ensure the prompt and accurate clearance and settlement of securities transactions. As such, NSCC believes the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.[23]

Rule 17Ad–22(e)(18) under the Act requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to establish objective, risk based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.[24] NSCC believes that the proposed rule changes have been designed to meet the applicable provisions of Rule 17Ad–22(e)(18) because the proposed changes would provide publicly disclosed criteria relating to how NSCC would treat a Limited Member that is no longer using the account and that NSCC is unable to contact as having voluntarily terminated its participation. The proposed rule change would not adversely affect fair and open access because the deemed voluntary termination provisions would only be applied to those Limited Members that have not been using the service and that NSCC has been unable to contact. Moreover, the deemed voluntary termination provisions would constitute publicly disclosed requirements for maintaining participation at NSCC. Therefore, NSCC believes that its proposal to provide for a deemed voluntary termination is consistent with Rule 17Ad–22(e)(18) under the Act.[25]

Rule 17Ad–22(e)(23)(i) under the Act requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to publicly disclose all relevant rules and material procedures, including key aspects of its default rules and procedures.[26] NSCC believes that the proposed rule changes have been designed to meet the applicable provisions of Rule 17Ad–22(e)(23)(i) because the proposed changes would provide publicly disclosed criteria relating to how NSCC would remove a Limited Member that is no longer using the account and that NSCC is unable to contact as if such Limited Member had voluntarily terminated its participation. Therefore, NSCC believes that its proposal to provide for a deemed voluntary termination is consistent with Rule 17Ad–22(e)(23)(i) under the Act.[27]

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed changes relating to the Voluntary Termination Provisions would have any impact on competition. These changes would provide a clear and consistent standard for how NSCC could treat all Limited Members that are no longer using an account and that NSCC is unable to contact. The proposed changes would not be adding any obligations on Limited Members that are using NSCC's services. As such, NSCC believes the proposed rule changes would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received by NSCC, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments received.

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;

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 17 CFR 240.17Ad–22(e)(18), (e)(23)(i).

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] 17 CFR 240.17Ad–22(e)(18).

[25] *Id.*

[26] 17 CFR 240.17Ad–22(e)(23)(i).

[27] *Id.*

(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)[28] of the Act and paragraph (f) of Rule 19b–4(f)(6) thereunder.[29]

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–NSCC–2022–007 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NSCC–2022–007. 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 NSCC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–2022–007 and should be submitted on or before June 28, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12171 Filed 6–6–22; 8:45 am]

BILLING CODE 8011–01–P

[28] 15 U.S.C 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f)(6).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95015; File No. SR–NYSECHX–2022–09]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Rule 11.2210

June 1, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 20, 2022, the NYSE Chicago, Inc. (''NYSE Chicago'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[4] and Rule 19b–4(f)(6) thereunder.[5] 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, in connection with a companion filing to adopt investigation, disciplinary, sanction, and other procedural rules modeled on the rules of its affiliates, to adopt a new Rule 11.2210 governing communications with the public that would incorporate FINRA Rule 2210 by reference and rename and amend Article 8, Rule 13 governing advertising, promotion and telemarketing. 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

In connection with a companion filing to adopt investigation, disciplinary, sanction, and other procedural rules modeled on the rules of its affiliates,[6] the Exchange proposes to adopt a new Rule 11.2210 (Communications with the Public) governing communications with the public that would incorporate FINRA Rule 2210 by reference and rename and amend Article 8, Rule 13 governing advertising, promotion and telemarketing.

Background

Beginning in 2013, each of the Exchange's affiliates have adopted rules relating to investigation, discipline, sanction, and other procedural rules based on the rules of the Financial Industry Regulatory Authority (''FINRA'').[7] To facilitate rule

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(6).

[6] *See* SR–NYSECHX–2022–10.

[7] In 2013, the Commission approved the New York Stock Exchange LLC's (''NYSE'') adoption of FINRA's disciplinary rules. *See* Securities Exchange Act Release No. 69045 (March 5, 2013), 78 FR 15394 (March 11, 2013) (SR–NYSE–2013–02). In 2016, NYSE American LLC (''NYSE American'') adopted its Rule 8000 and Rule 9000 Series based on the NYSE and FINRA Rule 8000 and Rule 9000 Series. *See* Securities Exchange Act Release Nos. 77241 (February 26, 2016), 81 FR 11311 (March 3,

harmonization among self-regulatory organizations, the Exchange has separately proposed the NYSE Chicago Rule 10.8000 and 10.9000 Series based on the text of the NYSE Arca Rule 10.8000 and Rule 10.9000 Series, with certain changes, as described in its companion filing.

The proposed NYSE Chicago Rule 10.8000 and 10.9000 Series contain rules that presume that the Exchange has adopted FINRA Rule 2210. Specifically, Rule 10.9551 (Failure to Comply with Public Communication Standards Pursuant to FINRA Rule 2210 as Incorporated by Reference in Rule 11.2210) would permit Exchange regulatory staff to issue a written notice requiring a Participant or Participant Firm to file communications with FINRA's Advertising Regulation Department at least 10 days prior to use if the staff determined that the Participant or Participant Firm had departed from the standards of proposed Rule 11.2210. The Participant or Participant Firm could file a written request for a hearing with the Office of Hearing Officers pursuant to proposed Rule 10.9559. FINRA Rule 2210 proposed to be incorporated by reference in proposed Rule 11.2210 references the procedures in FINRA Rules 9551 and 9559, which are substantially the same as those in proposed Rules 10.9551 and 10.9559. Similarly, FINRA Rule 2210 proposed to be incorporated by reference in proposed Rule 11.2210 references the procedures in the FINRA Rule 9600 Series for obtaining exemptive relief as permitted under FINRA Rule 2210. The FINRA Rule 9600 Series is substantially the same as the proposed Rule 10.9600 Series.

Current Article 8, Rule 13 governs advertising, promotion and telemarketing.

Proposed Rule Change

Proposed Rule 11.2210 would provide that Participants, Participant Firms and covered persons shall comply with FINRA Rule 2210, which is incorporated by reference herein, as if such Rule were part of the Exchange's rules. The proposed rule would further provide that references to FINRA Rule 2210 would be construed as references to Rule 11.2210. The proposed rule would also provide that references to FINRA Rules 9551 and 9559 and to the FINRA Rule 9600 Series in FINRA Rule 2210 shall be construed as references to the Exchange's Rules 10.9551 and 10.9559 and to the Rule 10.9600 Series, respectively. Finally, proposed Rule 11.2210 would provide that all defined terms, including any variations thereof, contained in the rule shall be read to refer to the Exchange-related meaning of such term. The proposed rule is the same as the version adopted by the Exchange's affiliate NYSE National except that the Exchange would use ''Participants'' and ''Participant Firms'' rather than ''ETP Holders'' and would use ''covered persons'' rather than ''Associated Persons of ETP Holders.'' [8]

Article 8, Rule 13, which governs advertising, promotion and telemarketing, would be renamed ''Telemarketing'' by deleting ''Advertising'' and ''Promotion'' from the current heading. The Exchange would also amend current Article 8, Rule 13 to remove those portions of the current rule that are duplicative of the standards set forth in FINRA Rule 2210. Specifically, the Exchange would delete subsection (a) prohibiting false and misleading advertisement, which is duplicative of FINRA Rule 2210(d)(1)(B); [9] subsection (b) setting forth categories and standards of advertisement, which is duplicative of FINRA Rule 2210(a); and subsection (c) governing market letters and sales literature, which is duplicative of the approval and review requirements set forth in FINRA Rule 2210(b). The remaining thirteen subsections of Article 8, Rule 13 from (d) to (p) governing telemarketing practices would become new subsections (a) to (m), respectively. The remaining subsections of Article 8, Rule 13 overlap with FINRA Rule 3230 (Telemarketing).[10]

Exemption Request

The Exchange will request an exemption under Section 36 of the Act from the rule filing requirements of Section 19(b) of the Act with respect to the incorporation by reference of proposed Rule 11.2210 and to the extent Rule 11.2210 is effected solely by virtue of a change to cross-referenced FINRA rule.[11]

Implementation

The proposed rule changes that are the subject of this filing will be operative on the same date that the new disciplinary rules will be effective but only if the Exchange's request for an exemption under Section 36 of the Act from filing proposed rule changes, described above, is granted by that date. As explained in the Exchange's companion filing to adopt new disciplinary rules, once that proposed rule change is effective, the Exchange intends to announce by Information Memorandum with at least 30 days advance notice the operative date of the new rules. In the event the exemption is not granted by date announced in the proposed Information Memorandum, the Exchange will submit a filing to designate a different operative date.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is 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 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.

The Exchange believes that proposed Rule 11.2210, which would be new for the Exchange, would provide for a harmonized approach and promote application of consistent regulatory standards to Participant and Participant

2016) (SR–NYSEMKT–2016–30). In 2018, the Commission approved NYSE National, Inc.'s (''NYSE National'') adoption of the NYSE National Rule 10.8000 and Rule 10.9000 Series based on the NYSE American and FINRA Rule 8000 and Rule 9000 Series. *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENat–2018–02). In 2019, NYSE Arca, Inc. (''NYSE Arca'') adopted the NYSE Arca Rule 10.8000 and 10.9000 Series based on the NYSE American Rule 8000 and Rule 9000 Series. *See* Securities Exchange Act Release No. 85639 (April 12, 2019), 84 FR 16346 (April 18, 2019) (SR–NYSEArca–2019–15).

[8] *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENat–2018–02). The Exchange also proposes to insert a space between ''Rule 11.5190'' and ''Notification'' in the heading following proposed Rule 11.2210.

[9] Article 8, Rule 13(a) is currently subject to a plan for the allocation of regulatory responsibilities pursuant to Rule 17d–2 of the Act that the Exchange and FINRA have filed with the Commission (''17d–2 Plan''). *See* 17 CFR 240.17d–2; Securities Exchange Act Release No. 62657 (August 5, 2010), 75 FR 49005 (August 12, 2010) (No. 4–274) (Notice); Securities Exchange Act Release No. 62866 (September 8, 2010), 75 FR 55833 (August 14, 2010) (No. 4–274) (Order). The Exchange and FINRA are also parties to a Regulatory Services Agreement pursuant to which FINRA has agreed to perform certain regulatory functions of the Exchange on behalf of the Exchange and which cover the remaining subsections of Article 8, Rule 13 with the exception of subsection (d). *See* note 8, *infra*.

[10] Article 8, Rule 13(d) is in fact part of the existing 17d–2 Plan. *See* Securities Exchange Act Release No. 85921 (May 23, 2019), 84 FR 25105 (May 30, 2019) (No. 4–274) (Notice); Securities Exchange Act Release No. 86161 (June 20, 2019), 84 FR 29923 (June 25, 2019) (No. 4–274) (Order).

[11] *See* 15 U.S.C. 78s(b).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

Firm requirements relating to communications with the public by incorporating by reference the FINRA communications with the public rule, thereby promoting just and equitable principles of trade and removing impediments to and perfecting the mechanism of a free and open market and a national market system, and in general, protecting investors and the public interest. In addition, incorporation of FINRA Rule 2210 by reference would add clarity and transparency to the Exchange's rules by separating the standards governing communications with the public and telemarketing into distinct rules similar to the approach taken by FINRA.

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 provide greater harmonization between Exchange and FINRA rules of similar purpose relating to communications with the public.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B) [16] of the Act 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–NYSECHX–2022–09 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–NYSECHX–2022–09. 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–NYSECHX–2022–09 and should be submitted on or before June 28, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12167 Filed 6–6–22; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17383 and #17384; WASHINGTON Disaster Number WA–00104]

Presidential Declaration of a Major Disaster for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Washington (FEMA–4650–DR), dated 03/29/2022.

Incident: Severe Winter Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 12/26/2021 through 01/15/2022.

DATES: Issued on 05/17/2022.

Physical Loan Application Deadline Date: 05/30/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 12/29/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Washington, dated 03/29/2022, is hereby amended to re-establish the incident period for this disaster as beginning 12/26/2021 through 01/15/2022.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12147 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before July 7, 2022.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Curtis.Rich@sba.gov;* (202) 205–7030, or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: Information collection is needed to ensure that Microloan Program activity meets the statutory goals of assisting mandated target market. The information is used by the reporting participants and the SBA to assist with portfolio management, risk management, loan servicing oversight and compliance, data management and understanding of short and long term trends and development of outcome measures.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control No.: 3245–0352.

Title: Microloan Program Electronic Reporting System (MPERS).

Description of Respondents: SBA reporting participants in the Microloan Program.

Form Number: N/A.

Estimated Annual Responses: 7,101.

Estimated Annual Hour Burden: 2,930.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2022–12140 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17468 and #17469; KANSAS Disaster Number KS–00157]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of KANSAS (FEMA–4654–DR), dated 05/25/2022.

Incident: Severe Winter Storms and Straight-line Winds.

Incident Period: 03/17/2022 through 03/22/2022.

DATES: Issued on 05/25/2022.

Physical Loan Application Deadline Date: 07/25/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 02/27/2023.

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 President's major disaster declaration on 05/25/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barton, Clark, Comanche, Edwards, Ellis, Ford, Graham, Gray, Hodgeman, Kiowa, Lane, Meade, Ness, Pawnee, Phillips, Rooks, Rush, Stafford, Trego, Wallace.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17468 B and for economic injury is 17469 0.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12148 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17451 and #17452; RHODE ISLAND Disaster Number RI–00024]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Rhode Island

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Rhode Island (FEMA–4653–DR), dated 05/12/2022.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 01/28/2022 through 01/29/2022.

DATES: Issued on 05/12/2022.

Physical Loan Application Deadline Date: 07/11/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 02/13/2023.

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 President's major disaster declaration on 05/12/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bristol, Kent, Newport, Providence, Washington Counties, including the Narragansett Indian Tribe.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17451 B and for economic injury is 17452 0.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12143 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17383 and #17384; WASHINGTON Disaster Number WA–00104]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Washington (FEMA–4650–DR), dated 03/29/2022.

Incident: Severe Winter Storms, Snowstorms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 12/26/2021 through 01/15/2022.

DATES: Issued on 05/17/2022.

Physical Loan Application Deadline Date: 05/30/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 12/29/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Washington, dated 03/29/2022, is hereby amended to change the incident for this disaster to Severe Winter Storms, Snowstorms, Straight-line Winds, Flooding, Landslides, and Mudslides.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12142 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17336 and #17337; CONNECTICUT Disaster Number CT–00056]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Connecticut

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Connecticut (FEMA–4629–DR), dated 02/03/2022.

Incident: Remnants of Hurricane Ida.

Incident Period: 09/01/2021 through 09/02/2021.

DATES: Issued on 05/10/2022.

Physical Loan Application Deadline Date: Filing period for county listed below ends on 06/09/2022. Filing Period for the previously declared counties ended on 04/04/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 11/03/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Connecticut, dated 02/03/2022, is hereby amended to include the county listed below. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 to request an application. Applications for physical damages for previously declared counties ended on 04/04/2022. Applications for physical damages for the county listed below may be filed until 06/09/2022. Applications for economic injury may be filed until 11/03/2022.

Primary Counties: Middlesex.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12152 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17383 and #17384; WASHINGTON Disaster Number WA–00104]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Washington (FEMA–4650–DR), dated 03/29/2022.

Incident: Severe Winter Storms, Snowstorms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 12/26/2021 through 01/15/2022.

DATES: Issued on 05/17/2022.

Physical Loan Application Deadline Date: 05/30/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 12/29/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Washington, dated 03/29/2022, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Chelan, Clallam, Okanogan.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–12150 Filed 6–6–22; 8:45 am]

BILLING CODE 8026–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2022–0005]

Request for Comments on Proposed U.S.-Taiwan Initiative on 21st-Century Trade

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Request for comments.

SUMMARY: On June 1, 2022, the United States and Taiwan, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), respectively, launched the U.S.-Taiwan Initiative on 21st-Century Trade. The purpose of this trade initiative is to develop concrete ways to deepen the trade relationship between the United States and Taiwan, beginning with the two sides working under the auspices of AIT and TECRO to develop a roadmap for negotiations for reaching agreements in several specified trade areas, which are identified below. The Office of the United States Trade Representative (USTR) will lead the U.S. side as AIT's designated representative. Accordingly, USTR is seeking public comments on matters relevant to the specified trade areas, including U.S. interests and priorities, in order to develop negotiating objectives and positions. You can provide comments in writing.

DATES: The deadline for the submission of written comments is July 8, 2022.

ADDRESSES: You should submit written comments through the Federal eRulemaking Portal: *https://www.regulations.gov* (*Regulations.gov*). Follow the instructions for submissions in parts II and III below.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, please contact Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395–2974 in advance of the deadline and before transmitting a comment. Direct all other questions to Jing Jing Zhang, Deputy Director for China Affairs, at *Yizhi.Zhang@ustr.eop.gov,* or (202) 395–9534.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 2022, USTR announced that the United States and Taiwan, under the auspices of AIT and TECRO, had decided to launch the U.S.-Taiwan Initiative on 21st-Century Trade. The purpose of this trade initiative is to develop concrete ways to deepen the trade relationship between the United States and Taiwan, beginning with the two sides working under the auspices of AIT and TECRO to develop an ambitious roadmap for negotiations for reaching one or more agreements with high-standard commitments and economically meaningful outcomes in several specified trade areas, which include:

Trade facilitation. The United States and Taiwan seek to harness best practices with respect to facilitating trade, including accelerated implementation of the WTO's Trade Facilitation Agreement, adopting provisions on digitalization of trade facilitation measures, and ensuring inclusivity in accessing customs procedures. In addition, the two sides intend to explore negotiating provisions on electronic payments, risk management, protection of trader information, and support for small and medium enterprises' (SME) access to technology used for the clearance of goods.

Regulatory practices. The United States and Taiwan hold shared values of good governance and respect for the rule of law and believe in the adoption of provisions supporting sound, transparent regulatory practices, including timely online accessibility to information about regulations and regulatory processes, adequate time for public consultations and consideration of comments, and ensuring that regulatory decisions are based on high quality information, science, and evidence. The two sides would also seek to explore the possibility of provisions on transparency and good governance in services.

Agriculture. The United States and Taiwan intend to explore provisions to facilitate agricultural trade through science and risk-based decision making and through the adoption of sound, transparent regulatory practices.

Anti-corruption. The United States and Taiwan seek to develop strong anti-corruption standards to prevent and combat bribery and corruption. The two sides intend to explore negotiating provisions that preclude the tax deductibility of bribes and establish measures regarding the recovery of proceeds of corruption and the denial of a safe haven for foreign public officials who engage in corruption.

Supporting SMEs in trade. The United States and Taiwan aim to support and enhance U.S.-Taiwan SME trade, by collaborating to identify and overcome barriers to trade for SMEs, focusing on trade facilitation for SMEs, sharing and promoting best practices, and working together on activities to promote and support SMEs, including those owned by under-represented groups and women entrepreneurs, and those in disadvantaged communities.

Harnessing the benefits of digital trade. The United States and Taiwan seek to advance outcomes in digital trade that benefit workers, consumers, and businesses, including SMEs. Both sides believe in building consumer trust in the digital economy, promoting access to information, facilitating use of digital technologies, promoting resilient and secure digital infrastructure, and addressing discriminatory and trade-distortive practices in the digital economy.

Promoting worker-centric trade. The United States and Taiwan aim to work to develop more durable and inclusive trade policies that demonstrate that trade can be a force for good by creating more opportunities for people and promoting gender equity across the United States and Taiwan. The two sides also seek to support the protection of labor rights, including the elimination of forced labor in global supply chains.

Supporting the environment and climate action. The United States and Taiwan seek to deepen their cooperation and joint approaches on trade and the environment, including promoting decarbonizing our economies consistent with COP26 outcomes, exchanging information, and supporting businesses, green jobs, and the growth of low-carbon economies.

Standards. The United States and Taiwan intend to explore provisions consistent with their shared view that

the preparation, adoption, and application of standards, technical regulations, and conformity assessment procedures should be non-discriminatory, should not create unnecessary barriers to trade, and should serve legitimate policy objectives. The two sides also recognize the important role that international standards can play in supporting greater regulatory alignment and good regulatory practices and in promoting resilience in trade.

State-owned enterprises. The United States and Taiwan recognize the significant distortions that can occur to international trade and investment from non-market practices of state-owned and state-controlled enterprises as well as government designated monopolies. The two sides seek to develop provisions to create a level playing field for workers and businesses when competing against these entities in the international marketplace, including by ensuring that these entities act in a commercial manner, are regulated impartially, and do not provide or receive trade-distorting non-commercial assistance.

Non-market policies and practices. The United States and Taiwan are market-oriented economies and understand the harm that can be caused by trade partners that deploy non-market policies and practices, which threaten the livelihoods of their people and harm their workers and businesses. We intend to collaborate on ways to address these harmful non-market policies and practices.

The United States will build upon high-standard trade commitments and develop new approaches in trade policy to advance a broad set of worker-centered priorities and promote durable, broad-based economic growth for the United States and Taiwan. At this time, the Administration is not seeking to address tariff barriers.

II. Public Comment

The Trade Policy Staff Committee (TPSC) invites interested parties to submit comments to assist USTR as it develops negotiating objectives and positions for the agreements contemplated by the U.S.-Taiwan Initiative on 21st-Century Trade. In particular, the TPSC invites interested parties to comment on issues that USTR should address in any negotiations, including the following:

1. General negotiating objectives for the contemplated agreements.
2. Customs and trade facilitation issues.
3. Transparency and good regulatory practice issues;
4. Agriculture-related matters.
5. Anti-corruption-related matters.
6. Issues of particular relevance to small and medium-sized enterprises that should be addressed in the negotiations.
7. Digital economy-related matters.
8. Labor-related matters.
9. Environment- and climate-related matters.
10. Matters related to standards, technical regulations, and conformity assessment procedures.
11. Issues related to state-owned enterprises and designated monopolies.
12. Matters related to collaboration to address non-market policies and practices.
13. Other measures or practices that undermine fair market opportunities for U.S. workers, farmers, ranchers, and businesses.

USTR requests small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments to self-identify as such, so that we may be aware of issues of particular interest to small businesses.

III. Submission Instructions

Persons submitting written comments must do so in English and must identify on the first page of the submission ''Comments Regarding U.S.-Taiwan Initiative on 21st-Century Trade.''

The submission deadline is July 6, 2022. USTR strongly encourages commenters to make online submissions, using *Regulations.gov*. To submit comments via *Regulations.gov*, enter docket number USTR–2022–0005 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled 'Comment Now' For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'How to Use This Site' on the left side of the home page.

Regulations.gov allows users to submit comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

Filers submitting comments containing no business confidential information (BCI) should name their file using the name of the person or entity submitting the comments. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI.' Clearly mark any page containing BCI with 'BUSINESS CONFIDENTIAL' on the top of that page. Filers of submissions containing BCI also must submit a public version of their comments that USTR will place in the docket for public inspection. The file name of the public version should begin with the character 'P.' Follow the 'BCI' and 'P' with the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges that you file comments through *Regulations.gov*.

You must make any alternative arrangements with Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395–2974 before transmitting a comment and in advance of the deadline.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on the *Regulations.gov* by entering docket number USTR–2022–0005 in the search field on the home page. General information concerning USTR is available at *https://www.ustr.gov.*

William Shpiece,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2022–12248 Filed 6–6–22; 8:45 am]

BILLING CODE 3290–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting

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

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: This notice announces a meeting of the ARAC.

DATES: The meeting will be held on Thursday, June 16, 2022, from 2 to 4 p.m. Eastern Time. Requests to attend the meeting must be received by

Tuesday, May 31, 2022. Requests for accommodations to a disability must be received by Tuesday, May 31, 2022. Requests to submit written materials to be reviewed during the meeting must be received no later than Tuesday, May 31, 2022.

ADDRESSES: The meeting will be held at the Federal Aviation Administration (FAA), 800 Independence Avenue SW, Washington, DC 20591, as well as virtually. If the FAA is unable to hold the meeting in person due to circumstances outside of its control, the FAA will notify registrants with the log-in information and post any updates on the FAA Committee website. Members of the public who wish to observe the meeting must RSVP by emailing *9-awa-arac@faa.gov.*

General committee information including copies of the meeting minutes will be available on the FAA Committee website at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

FOR FURTHER INFORMATION CONTACT: Lakisha Pearson, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4191; fax (202) 267–5075; email *9-awa-arac@faa.gov.* Any committee-related requests should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The ARAC was created under the Federal Advisory Committee Act (FACA), in accordance with Title 5 of the United States Code (5 U.S.C. App. 2) to provide advice and recommendations to the FAA concerning rulemaking activities, such as aircraft operations, airman and air agency certification, airworthiness standards and certification, airports, maintenance, noise, and training.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Approval of Minutes
- Status Updates
  - Active Working Groups
  - Transport Airplane and Engine (TAE) Subcommittee
- Recommendation Reports
- FAA Updates

Detailed agenda information will be posted on the FAA Committee website address listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first-served basis, as space is limited. Please confirm your attendance and indicate if you plan to attend the meeting in-person or virtually with the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Please provide the following information: full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so. When registration is confirmed, registrants will be provided the virtual meeting information/teleconference call-in number and passcode. Callers are responsible for paying long-distance charges (if any).

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Any member of the public may present a written statement to the committee at any time. The public may present written statements to ARAC by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on June 2, 2022.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2022–12228 Filed 6–2–22; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0033]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on June 3, 2022. The exemptions expire on June 3, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2022–0033, in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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.*

II. Background

On April 1, 2022, FMCSA published a notice announcing receipt of applications from 14 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (87 FR 19173). The public comment period ended on May 2, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these

individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) each driver must report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above:

Ryheem Brown (TX)
Kevin Cooley (MT)
Adrian Cortez (NM)
Michael Cover (MI)
Gregory Crane (AZ)
Stephen Daniels (KS)
Daniel Darnall (NE)
Adam Day (FL)
Michael Derenick (PA)
Gabriel Garza (TX)
Scott Gentry (FL)
Rod Lagasse (NY)
Robert Rollins (NC)
John Statler (CO)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12164 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0116; FMCSA–2019–0027]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 13, 2021. The exemptions expire on August 13, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday,

except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2015–0116 or FMCSA–2019–0027 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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.*

II. Background

On August 16, 2021, FMCSA published a notice announcing its decision to renew exemptions for two individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (86 FR 45799). The public comment period ended on September 15, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the two renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of August 13, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (86 FR 45799):

Dennis Klamm (MN); and Stephen Root (NY)

The drivers were included in docket number FMCSA–2015–0116 or

FMCSA–2019–0027. Their exemptions were applicable as of August 13, 2021 and will expire on August 13, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12162 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0389; FMCSA–2012–0050; FMCSA–2014–0381; FMCSA–2015–0117; FMCSA–2016–0008; FMCSA–2019–0028; FMCSA–2019–0030; FMCSA–2019–0031]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on September 30, 2021. The exemptions expire on September 30, 2023. Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2011–0389, FMCSA–2012–0050, FMCSA–2014–0381, FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted

(Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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.*

II. Background

On September 22, 2021, FMCSA published a notice announcing its decision to renew exemptions for 13 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (86 FR 52735). The public comment period ended on October 22, 2021, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

III. Discussion of Comments

FMCSA received one comments in this proceeding and it was outside the scope of this notice.

IV. Conclusion

Based on its evaluation of the 13 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of September 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (86 FR 52735):

Ronald Boogay (NJ)

Todd Brock (CO)

Gary Cox (TX)

Douglas Day (IN)

Tina Farmer (PA)

Jim Hughes (WA)

David Kietzman (WI)

Brian Kinkade (MO)

Charles McCarthy (MA)

Ryan Moore (NC)

Tye Moore (TN)

William Rainer, III (TX)

Jerel Sayers (ID)

The drivers were included in docket number FMCSA–2011–0389,

FMCSA–2012–0050, FMCSA–2014–0381, FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031. Their exemptions were applicable as of September 30, 2021 and will expire on September 30, 2021.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12161 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0214; FMCSA–2017–0180; FMCSA–2019–0033; FMCSA–2019–0034]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2014–0214, FMCSA–2017–0180, FMCSA–2019–0033, or FMCSA–2019–0034 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building,

1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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.*

II. Background

On October 1, 2021, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (86 FR 54505). The public comment period ended on November 1, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the five renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of October and are discussed below. As of October 4, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (86 FR 54505):

Daniel Maben (MI)

Michael Miller (TX)

William Swann (MD)

Tyler Tilseth (NM)

The drivers were included in docket number FMCSA–2014–0214, FMCSA–2017–0180, or FMCSA–2019–0033. Their exemptions were applicable as of October 4, 2021 and will expire on October 4, 2023.

As of October 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Adam Wilson (MN) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers. This driver was included in docket number FMCSA–2019–0034. The exemption was applicable as of October 15, 2021 and will expire on October 15, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12160 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0106; FMCSA–2015–0017; FMCSA–2015–0320; FMCSA–2018–0058; FMCSA–2019–0036; FMCSA–2019–0206; FMCSA–2019–0210]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for eight individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2022. The exemptions expire on February 19, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of

the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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.*

II. Background

On February 16, 2022, FMCSA published a notice announcing its decision to renew exemptions for eight individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (87 FR 8919). The public comment period ended on March 18, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the eight renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of February 19, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (87 FR 8919):

Daniel Bretz Jr. (PA)
Thomas DeAngelo (IL)
Robert Drake (AZ)
Pagagrong Newsome (CA)
Tyler Schaefer (ME)
Douglas Slagel (OH)
Cory Wagner (IL)
Randy Wentz (PA)

The drivers were included in docket number FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210. Their exemptions were applicable as of February 19, 2022 and will expire on February 19, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12163 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–XXXX–XXXX]

Public Workshop on Corporate Average Fuel Economy Reporting Templates

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notification of rescheduled public workshop.

SUMMARY: This notice announces that NHTSA will hold a workshop to present and demonstrate three compliance reporting templates for the Corporate Average Fuel Economy (CAFE) Program. Two of the templates will be required for reporting; the third template will be optional but is recommended for ease of reporting. The workshop will provide a demonstration of the use of the templates, which automobile manufacturers will use to provide NHTSA required compliance data.

DATES: NHTSA will hold the public workshop on July 12, 2022 from 9 a.m. to 4:30 p.m., Eastern Standard Time. The workshop will be held virtually. Log-in on the day of the workshop will begin at 9 a.m. Attendance requires electronic registration and confirmation in advance and is free.

ADDRESSES: Vehicle manufacturers and other interested parties who wish to attend the workshops are asked to pre-register by June 30, 2022. Attendees should register online at *https://www.nhtsa.gov/events/workshop-cafe-reporting-template,* by June 30, 2022. Registration is necessary for all attendees; please register even if you were previously registered for the workshop that was scheduled in January 2022. Please provide your name, email address, and affiliation. Registrations may be accepted after that date, space permitting. Attendees are encouraged to submit questions related to reporting and credit related technical issues to be considered for discussion during the workshop. These questions should be submitted via email to *cafe@dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions about registering or connecting to the public workshop, please contact NHTSA staff at *NHTSA.Communication@dot.gov* or Chris LaMance at *frederick.lamance@dot.gov* or (202) 366–7568. For questions concerning the workshop discussions contact Maurice Hicks at *Maurice.Hicks@dot.gov* or (202) 366–5289.

We are committed to providing equal access to this event for all participants. Persons with disabilities in need of an accommodation should contact Maurice Hicks at (202) 366–5289 or, *NHTSA.Communication@dot.gov* to request an accommodation no later than July 5, 2022.

SUPPLEMENTARY INFORMATION: 49 CFR part 537, ''Automotive Fuel Economy Reports,'' requires manufacturers to provide early model year projections on automobiles demonstrating how they intend to comply with CAFE standards. The regulation requires manufacturers to submit a pre-model year (PMY) report by December 31 before the model year and a mid-model year (MMY) report by July 31 of the model year. When NHTSA received and reviewed manufacturers'

projection reports for Model Years (MY) 2013 through 2015, the agency observed that most did not conform to the requirements specified in part 537. In a 2015 notice of proposed rulemaking, NHTSA proposed to amend part 537 to require a new data format for manufacturers' CAFE projection reporting template.[1] However, NHTSA did not adopt the proposed data format from the 2015 proposed rule after receiving adverse comments from manufacturers.[2]

After identifying the sources of manufacturers' concerns, in the April 2020 CAFE final rule, NHTSA established a new standardized template for reporting PMY and MMY information, as specified in 49 CFR 537.7(b) and (c), as well as for the supplementary information required by 49 CFR 537.8. The new template allows manufacturers to build out the required confidential versions of CAFE reports specified in 49 CFR part 537, and to automatically produce the required non-confidential versions by clicking a button within the template. The standardized template assists manufacturers in providing the agency with all necessary data, thereby helping manufacturers to ensure they are complying with CAFE regulations. The template organizes the required data in a manner consistent with NHTSA and the Environmental Protection Agency (EPA) regulations and simplifies the reporting process by incorporating standardized responses consistent with those provided to EPA. The template collects the relevant data, calculates intermediate and final values in accordance with EPA and NHTSA methodologies, and aggregates all the final values required by NHTSA regulations in a single summary worksheet.

Thus, NHTSA believes that the standardized template will benefit both the agency and manufacturers by helping to avoid reporting errors, such as data omissions and miscalculations, and will ultimately simplify and streamline reporting. NHTSA requires that manufacturers use the standardized Projection Reporting Template for all PMY, MMY, and supplementary CAFE reports beginning in MY 2023. NHTSA also modified its existing compliance database to accept and import the standardized template and automatically aggregate manufacturers' data. This allows NHTSA to execute its regulatory obligations to the public more efficiently and effectively. Overall, the template helps to ensure compliance with data requirements under the Energy Policy and Conservation Act/Energy Independence and Security Act and drastically reduce the industry and government's burden for reporting in accordance with the Paperwork Reduction Act.[3] The reporting template is available for download through the Public Information Center (PIC) located at: *https://one.nhtsa.gov/cafe_pic/home*—see ''Light Duty Templates: NHTSA CAFE Projections Reporting Template''.

To reduce the burden on all parties, encourage compliance, and facilitate quicker NHTSA credit transaction approval, in the April 2020 final rule, NHTSA added a new template to standardize the information parties submit to the agency to request a credit transaction. Often manufacturers inconsistently submit the information required by 49 CFR 536.8, making it difficult for NHTSA to process transactions. The credit transaction template is a simple spreadsheet that credit holders and trading parties fill out. When completed, parties are able to click a button on the spreadsheet to generate a credit transaction summary, and if applicable, credit trade confirmation, the latter of which needs to be signed by both trading entities. The credit trade confirmation serves as an acknowledgement that the parties have agreed to trade credits. The completed credit trade summary, and a PDF copy of the signed trade confirmation must be submitted to NHTSA. Using the Credit Transaction Template simplifies the credit trading process for the Office of Vehicle Safety Compliance and manufacturers and helps to ensure that trading parties follow the requirements for a credit transaction found in 49 CFR 536.8(a).[4] Additionally, the credit trade confirmation includes an acknowledgement of the ''error or fraud'' provisions in 49 CFR 536.8(f)–(g), and the finality provision of 49 CFR 536.8(g). The credit transaction template is available for download through the PIC located at: *https://one.nhtsa.gov/cafe_pic/home*—see ''Light Duty Templates: NHTSA CAFE Credit Transaction Template''.

Finally, NHTSA adopted requirements in the 2020 final rule requiring manufacturers to submit the costs of all credit trade contracts to the agency starting September 1, 2022. NHTSA intends to use this information to more accurately assess the cost of compliance for all manufacturers. This information would allow NHTSA to better assess the impact of its regulations on the industry and provide more insightful information in developing future rulemakings. To assist manufacturers in submitting the required information, NHTSA has developed an optional Credit Value Template. The template lays out what sort of credit cost information NHTSA expects to receive from manufacturers and reduces the need for any additional questions or clarification when reporting is received.

Note, the credit value template is available for download through the PIC located at: *https://one.nhtsa.gov/cafe_pic/home*—see ''Light Duty Templates: NHTSA CAFE Credit Value Reporting Template''.

In the May 2022 rulemaking, NHTSA also committed to demonstrate its templates through a workshop designed to give manufacturers an open forum for communicating directly with the agency. This notice satisfies that obligation and announces the details of the workshop.

Public Workshop Agenda [5]

9–9:30 a.m.—Welcome and Introductory Remarks

9:30–10:30 a.m.—PMY/MMY Reporting Template (Part 1)

10:30–11:30 a.m.—PMY/MMY Reporting Template (Part 2-Examples)

11:30 a.m.–12 p.m.—Credit Transaction Template

12–12:30 p.m.—Public Information Center Overview

12:30–1:30 p.m.—Lunch Break

1:30–2:30 p.m.—Credit Value Reporting Template

2:30–3:30 p.m.—FAQ Session

3:30–4:30 p.m.—CAFE 101—CAFE Compliance Process Overview

Participation in Public Workshop

If you do not receive your confirmation email(s), or have further questions about this event, please email *NHTSA.Communication@dot.gov.*

Issued in Washington, DC, under authority delegated in 49 CFR 1.95, 501.8(g).

Anne Collins,

Associate Administrator for Enforcement.

[FR Doc. 2022–12214 Filed 6–6–22; 8:45 am]

BILLING CODE 4910–59–P

[1] 80 FR 40540 (Jul. 13, 2015).

[2] 81 FR 73958 (Oct. 25, 2016).

[3] 44 U.S.C. 3501 *et seq.*

[4] Submitting a properly completed template and accompanying transaction letter will satisfy the trading requirements in 49 CFR part 536.

[5] The agenda is subject to change.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by July 7, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0237, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0237'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also 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.

On March 29, 2022, the OCC published a 60-day notice for this information collection, 87 FR 18071. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0237'' or ''Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests and requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection in this notice.

Title: Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003.

OMB Control No.: 1557–0237.

Description: Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) [1] amended section 615 of the Fair Credit Reporting Act (FCRA) to require the Agencies [2] to issue jointly:

- Guidelines for financial institutions and creditors regarding identity theft with respect to their account holders and customers; (in developing the guidelines, the Agencies are required to identify patterns, practices, and specific forms of activity that indicate the possible existence of identity theft. The guidelines must be updated as often as necessary and must be consistent with the policies and procedures required under section 326 of the USA PATRIOT Act, (31 U.S.C. 5318(l));
- Regulations that require each financial institution and each creditor to establish reasonable policies and procedures for implementing the guidelines in order to identify possible risks to account holders or customers or to the safety and soundness of the institution or creditor; and
- Regulations generally requiring credit and debit card issuers to assess the validity of change of address requests under certain circumstances.[3]

Section 315 of the FACT Act also amended section 605 of FCRA to require the Agencies [4] to issue regulations providing guidance regarding what reasonable policies and procedures a user of consumer reports must have in place and employ when a user receives a notice of address discrepancy from a consumer reporting agency (CRA). These regulations are required to describe reasonable policies and procedures for users of consumer reports to:

- Enable a user to form a reasonable belief that it knows the identity of the person for whom it has obtained a consumer report; and

[1] Public Law 108–159 (December 4, 2003).

[2] Section 114 required the guidelines and regulations to be issued jointly by the Federal banking agencies (OCC, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation), the National Credit Union Administration, and the Federal Trade Commission. Therefore, for purposes of this filing, ''Agencies'' refers to these entities. Note that Section 1088(a)(8) of the Dodd-Frank Act further amended section 615 of FCRA to also require the Securities and Exchange Commission and the Commodity Futures Trading Commission to issue Red Flags guidelines and regulations.

[3] *See* 15 U.S.C. 1681m(e).

[4] These regulations have been transferred to the Bureau of Consumer Financial Protection (CFPB).

• Reconcile the address of the consumer with the CRA if the user establishes a continuing relationship with the consumer and regularly and, in the ordinary course of business, furnishes information to the CRA.[5]

As required by section 114 of the FACT Act, appendix J to 12 CFR part 41 contains guidelines for financial institutions and creditors to use in identifying patterns, practices, and specific forms of activity that may indicate the existence of identity theft. In addition, 12 CFR 41.90 requires each financial institution or creditor that is a national bank, Federal savings association, Federal branch or agency of a foreign bank, and any of their operating subsidiaries that are not functionally regulated, to establish an Identity Theft Prevention Program (Program) designed to detect, prevent, and mitigate identity theft in connection with accounts. Pursuant to § 41.91, credit card and debit card issuers must implement reasonable policies and procedures to assess the validity of a request for a change of address under certain circumstances.

Section 41.90 requires each OCC-regulated financial institution or creditor that offers or maintains one or more covered accounts to develop and implement a Program. In developing a Program, financial institutions and creditors are required to consider the guidelines in appendix J and include the suggested provisions, as appropriate. The initial Program must be approved by the institution's board of directors or by an appropriate committee thereof. The board, an appropriate committee thereof, or a designated employee at the level of senior management must be involved in the oversight of the Program. In addition, staff members must be trained to carry out the Program. Pursuant to § 41.91, each credit and debit card issuer is required to establish and implement policies and procedures to assess the validity of a change of address request if it is followed by a request for an additional or replacement card. Before issuing the additional or replacement card, the card issuer must notify the cardholder of the request and provide the cardholder a reasonable means to report incorrect address changes or use another means to assess the validity of the change of address.

As required by section 315 of the FACT Act, 12 CFR 1022.82[6] requires users of consumer reports to have in place reasonable policies and procedures that must be followed when a user receives a notice of address discrepancy from a CRA.

Section 1022.82 requires each user of consumer reports to develop and implement reasonable policies and procedures designed to enable the user to form a reasonable belief that a consumer report relates to the consumer about whom it requested the report when it receives a notice of address discrepancy from a CRA. A user of consumer reports also must develop and implement reasonable policies and procedures for furnishing a customer address that the user has reasonably confirmed to be accurate to the CRA from which it receives a notice of address discrepancy when the user can: (1) form a reasonable belief that the consumer report relates to the consumer about whom the user has requested the report; (2) establish a continuing relationship with the consumer; and (3) establish that it regularly and in the ordinary course of business furnishes information to the CRA from which it received the notice of address discrepancy.

Type of Review: Regular.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 1,172.

Estimated Total Annual Burden: 130,342 hours.

On March 29, 2022, the OCC issued a notice for 60 days of comment concerning this collection, 87 FR 18071. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; (b) The accuracy of the OCC's estimate of the burden of the collection of information; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–12201 Filed 6–6–22; 8:45 am]

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[5] *See* 15 U.S.C. 1681c(h)(2).

[6] Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act transferred this regulation to the Consumer Financial Protection Bureau. The OCC retains enforcement authority for this regulation for institutions with $10 billion or less in total assets.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Consumer Protections for Depository Institution Sales of Insurance

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled ''Consumer Protections for Depository Institution Sales of Insurance.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by July 7, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

• *Email: prainfo@occ.treas.gov.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0220, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

• *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0220'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also 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.

On March 8, 2022, the OCC published a 60-day notice for this information collection, 87 FR 13040. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0220'' or ''Consumer Protections for Depository Institution Sales of Insurance.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection in this notice.

Title: Consumer Protections for Depository Institution Sales of Insurance.

OMB Control No.: 1557–0220.

Type of Review: Extension, without revision, of a currently approved collection.

Description: This information collection is required under section 305 of the Gramm-Leach-Bliley Act (GLB Act), 12 U.S.C. 1831x. Section 305 of the GLB Act requires the OCC, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the Agencies) to prescribe joint consumer protection regulations that apply to retail sales practices, solicitations, advertising, and offers of any insurance product by a depository institution or by other persons performing these activities at an office of the institution or on behalf of the institution (other covered persons). Section 305 also requires those performing such activities to disclose certain information to consumers (*e.g.,* that insurance products and annuities are not FDIC-insured).

This information collection requires national banks, Federal savings associations, and other covered persons involved in insurance sales, as defined in 12 CFR 14.20(f), to make two separate disclosures to consumers. Under 12 CFR 14.40, a national bank, Federal savings association, or other covered person must prepare and provide orally and in writing: (1) certain insurance disclosures to consumers before the completion of the initial sale of an insurance product or annuity to a consumer and (2) certain credit disclosures at the time of application for the extension of credit (if insurance products or annuities are sold, solicited, advertised, or offered in connection with an extension of credit). The insurance disclosures are required in advertisements and promotional material for insurance products or annuities unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the national bank or Federal savings association.

Consumers use the disclosures to understand the risks associated with insurance products and annuities and to understand that they are not required to purchase, and may refrain from purchasing, certain insurance products or annuities in order to qualify for an extension of credit.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Estimated Burden:

Estimated Number of Respondents: 401.

Total Estimated Burden Hours: 2,005.

On March 8, 2022, the OCC published a 60-day notice for this information collection, 87 FR 13040. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of the operation, maintenance, and purchase of services necessary to provide the required information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–12203 Filed 6–6–22; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Real Estate Lending and Appraisals

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Real Estate Lending and Appraisals.''

DATES: Comments must be received by August 8, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible.

You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0190, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0190'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' drop down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0190'' or ''Real Estate Lending and Appraisals.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of part 44 (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Real Estate Lending and Appraisals.

OMB Control No.: 1557–0190.

Type of Review: Extension, without revision, of a currently approved collection.

Description: Twelve CFR parts 34 and 160 contain a number of reporting, recordkeeping, and disclosure requirements. Twelve CFR part 34, subpart B (Adjustable-Rate Mortgages (ARM)), subpart E (Other Real Estate Owned (OREO)) and part 160 (Lending and Investment) contain reporting requirements. Twelve CFR part 34, subpart C (Appraisal Requirements), subpart D (Real Estate Lending Standards), and part 160 contains recordkeeping requirements. Twelve CFR 190.4(h) contains a disclosure requirement concerning Federally-related residential manufactured housing loans.

Twelve CFR part 34, subpart B, § 34.22(a) and § 160.35 require that for ARM loans, the loan documentation must specify an index or combination of indices to which changes in the interest rate will be linked. Sections 34.22(b) and 160.35(d)(3) set forth the notice procedures for national banks and Federal savings associations to use when seeking to use an alternative index.

Twelve CFR 34.44 provides minimum standards for the performance of real estate appraisals, including the requirement that appraisals be in writing and contain sufficient information and analysis to support the institution's decision to engage in the transaction.

Twelve CFR 34.62, 160.101, and the related appendices require each institution to adopt and maintain written policies that establish appropriate limits and standards for extensions of credit that are secured by liens on or interests in real estate, or that are made for the purpose of financing permanent improvements to real estate. The institution's board of directors must approve the real estate lending policies at least annually.

Twelve CFR 7.1024(d) requires that, after holding any real estate acquired for future bank expansion for one year, a national bank or Federal savings association must state, by resolution or other official action, its plans for the use of the property and make the resolution or other action available for inspection by examiners. Twelve CFR 34.85 requires national banks and Federal savings associations to develop prudent real estate collateral evaluation policies to monitor the value of each parcel of OREO in a manner consistent with prudent banking practice. Twelve CFR 34.85 establishes the appraisal requirements for OREO held by institutions, with reference to the appraisal requirements in 12 CFR 34, subpart C, ''Appraisals.''

Twelve CFR 34.85 requires national banks and Federal savings associations to obtain an appraisal or evaluation, as appropriate, to substantiate the market value of each parcel upon transfer to OREO. If the institution has a valid and compliant appraisal or evaluation that was previously obtained in connection with the underlying real estate loan, it does not need to obtain a new appraisal or evaluation to comply with these regulations.

Section 34.86 requires national banks and Federal savings associations to notify the appropriate supervisory office at least 30 days before making advances under a development or improvement plan for OREO if the total investment in the property will exceed 10 percent of the institution's capital and surplus.

Twelve CFR 190.4(h) requires that for Federally-related residential manufactured housing loans, a creditor must send a debtor a notice of default at least 30 days prior to any repossession, foreclosure, or acceleration of payments.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Burden Estimates:

Estimated Number of Respondents:

Estimated Annual Burden:

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–12204 Filed 6–6–22; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 13797

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 13797, *Tribal Evaluation of Filing and Accuracy Compliance (TEFAC) Compliance Check Report.*

DATES: Written comments should be received on or before August 8, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–2026—Public Comment Request Notice'' in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: TEFAC Compliance Check Report.

OMB Number: 1545–2026.

Form Number: 13797.

Abstract: This form will be provided to tribes who elect to perform a self-compliance check on any or all their entities. This is a VOLUNTARY program, and the entity is not penalized for non-completion of forms or withdrawal from the program. Upon completion, the information will be used by the Tribe and ITG to develop training needs, compliance strategies, and corrective actions.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations and State, Local, or Tribal Government.

Estimated Number of Respondents: 20.

Estimated Time per Respondent: 22 hours 20 min.

Estimated Total Annual Burden Hours: 447.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: June 2, 2022.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2022–12233 Filed 6–6–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Ongoing Data Collection of Centrally Cleared Transactions in the U.S. Repurchase Agreement Market

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collections listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before August 8, 2022.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from John R. Zitko by emailing *john.zitko@ofr.treasury.gov,* calling (202) 550–4381, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Ongoing Data Collection of Centrally Cleared Transactions in the U.S. Repurchase Agreement Market.

OMB Control Number: 1505–0259.

Type of Review: Extension without change of a currently approved collection.

Description: Regulations issued in 2019 established a data collection covering centrally cleared transactions in the U.S. repurchase agreement (''repo'') market. This collection requires daily reporting to the Office of Financial Research (''Office'') by covered central counterparties (''CCPs''). The collected data will be used to support the work of the Financial Stability Oversight Council (the ''Council''), its member agencies, and the Office to identify and monitor risks to financial stability, and to support the calculation of certain reference rates.

Form: OFR SFT 1–1, 1–2 & 1–3.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 1.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 756.

Estimated Time per Response: 2 hours 40 minutes.

Estimated Total Annual Burden Hours: 2,016.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2022–12260 Filed 6–6–22; 8:45 am]

BILLING CODE 4810–AK–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act; Meeting

TIME AND DATE: June 7, 2022, 1 p.m. to 5 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 954 6813 9784, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJEpceGprTItEtA1WfDtozO5u4kGtHY5U71g.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Board Action

The proposed Agenda will be reviewed, and the Board will consider adoption.

Ground Rules

- Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the April 21, 2022 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Board Action

Draft Minutes from the April 21, 2022 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on relevant activity.

VI. Development, Hosting and Maintenance of an IRP Centralized Fee Calculator—UCR Executive Director

The UCR Executive Director will provide an update regarding the option of development, hosting and maintenance of a centralized IRP fee calculator for the purpose of continuing the Board's progress towards increasing UCR compliance and enhanced data sharing.

VII. Letter of Recommendation to Congress To Approve Legislation Pertaining To Providing Additional Parking to Motor Carriers—Monte Wiederhold, Board Member

For Discussion and Possible Board Action

UCR Board Member Monte Wiederhold will discuss the issue of the lack of parking for motor carriers along highways and pending legislation before the United States Congress to alleviate the problem. The Board may consider and take action to authorize the UCR Board Chair to draft, sign, and send a letter to Congress recommending approval of such legislation.

VIII. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. 2021 Annual State Audit Progress Report to the UCR Board of Directors—UCR Audit Subcommittee Chair

For Discussion and Possible Board Action

The Audit Subcommittee Chair will discuss the current status of participating states' audit programs for the 2021 registration year as required by the UCR Agreement. The UCR Audit Subcommittee Chair will recommend corrective action plans for delinquent states. The Board may consider and take action to approve such plans as recommended.

B. Discussion Regarding Ways and Means To Increase UCR Registration Percentages—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion to share state resources (auditors and other contacts), leveraging partner relationships, auditing tools and other ideas to increase UCR registration percentages to promote improving fairness within the industry.

C. Maximizing the Value of the Should Have Been (SHB) and Enforcement Efficiency Tools—UCR Audit Subcommittee Chair and DSL Transportation Services, Inc. (DSL)

The Subcommittee Chair and DSL will provide an update on the value achieved by utilizing the Shadow MCMIS and other tools in the National Registration System (NRS). The discussion will highlight the financial value to the states by vetting businesses for UCR compliance, commercial registration, IFTA, intrastate, and interstate operating authority.

D. Dedicating a Full-Time Employee (FTE) to States' Audit Programs—UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair, and DSL

The UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair and DSL will lead a discussion regarding the value of dedicating 1 FTE to each state's UCR compliance efforts including solicitations (new entrants and unregistered entities), Focused Anomaly Reviews (FAR), retreat and vehicle inspection audits, Shadow MCMIS, and SHB tools in the NRS.

E. Updates to the UCR Handbook—UCR Audit Subcommittee Chair, and UCR Executive Director

The UCR Audit Subcommittee Chair and UCR Executive Director will lead a discussion on updating and clarifying the language in the UCR Handbook in regard to the usage of the term ''operated'' as it relates to a motor carrier beginning operations. A general update on other revisions to the UCR Handbook will also be provided.

F. Accounting for Unregistered Motor Carriers in Brackets 5 and 6—UCR Audit and Finance Subcommittee Chairs

There are a number of motor carriers in brackets 5 and 6 that have not registered for UCR that appear, in many, but not in all cases to have incorrectly overstated on their MCS–150 the number of vehicles in their fleet or have an inactive authority. The UCR Audit and Finance Subcommittee Chairs will lead a discussion on ideas to account for the status of these motor carriers.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Certificate of Deposit (CD) for Financial Reserve—Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and UCR Depository Manager will present and discuss options for investing the proceeds from a CD that will mature on August 5, 2022. The Board may consider and approve an option for re-investing the proceeds from the maturing CD.

B. Investment Options for 2021 and 2022 Excess Fees—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and UCR Depository Manager will present the balances of excess fees from the 2021 and 2022 registration years. They will also discuss potential options for safely investing the funds to earn reasonable rates of return that will exceed interest earnings on standard bank deposit accounts. The Board may consider and approve an option for investing the excess fees.

C. Update on Response From UCR to the FMCSA's Request for Information Regarding the UCR Board's Fee Recommendation for the 2023 Registration Year—UCR Finance Subcommittee Chair, UCR Chief Legal Officer and UCR Depository Manager

The UCR Finance Subcommittee Chair, UCR Chief Legal Officer and UCR Depository Manager will provide an update to the UCR Board regarding the response provided to FMCSA from their request for information pertaining to the Board's fee change recommendation, and subsequent comment, for the 2023 registration year.

D. Update on Potential 2024 Fee Recommendation—UCR Finance Subcommittee Chair and UCR Depository Manager

The UCR Finance Subcommittee Chair and UCR Depository Manager will provide an update to the UCR Board regarding the methodology, process, and timing for a potential fee recommendation to the Secretary of the U.S. Department of Transportation and FMCSA for the 2024 registration year.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

Update on Current and Future Training Initiatives—UCR Education and Training Subcommittee Chair and UCR Operations Manager

The Education and Training Subcommittee Chair and the UCR Operations Manager will provide an update on the current and planned future training initiatives for the UCR Plan.

IX. Contractor Reports—UCR Executive Director

- *UCR Executive Director's Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, pilot projects and other matters.

- *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the NRS.

- *UCR Administrator Report (Kellen)*

The UCR Staff will provide a management report covering recent activity for the Depository, Operations, and Communications.

X. Other Business—UCR Board Chair

The UCR Board Chair will call for any other business, old or new, from the floor.

XI. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5 p.m. Eastern time, June 1, 2022 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2022–12321 Filed 6–3–22; 11:15 am]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0055]

Agency Information Collection Activity: Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouses

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 August 8, 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. 2900–0055'' 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. 2900–0055'' 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: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouses.

OMB Control Number: 2900–0055.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1817 is used by VA to determine an unmarried surviving spouse's eligibility for Loan Guaranty benefits, and the amount of entitlement available. Each completed form is normally accompanied by proof of the deceased Veteran's military service and is submitted by the applicant to the appropriate VA office. If eligible, VA will issue the applicant a Certificate of Eligibility (COE) to be used in applying for Loan Guaranty benefits.

This form is also used in restoration of entitlement cases. Generally, if an applicant has used all or part of their entitlement, it may be restored if (1) the property has been sold and the loan has been paid in full or (2) a qualified Veteran-transferee agrees to assume the balance on the loan and agrees to substitute their entitlement for the same amount of entitlement originally used by the applicant to get the loan. The buyer must also meet the occupancy and income and credit requirements of the law. Restoration is not automatic; an applicant must apply for it by completing VA Form 26–1817.

Affected Public: Individuals and households.

Estimated Annual Burden: 4,250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 8,500.

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. 2022–12151 Filed 6–6–22; 8:45 am]

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