FEDERAL REGISTER

Vol. 87 Monday

No. 113 June 13, 2022

Pages 35643–35852

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

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

Contents

Federal Register

Vol. 87, No. 113

Monday, June 13, 2022

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR

Proposed Rules:

429.....35678

14 CFR

71 (3 documents) 35643, 35644, 35645

97 (2 documents) 35646, 35650

Proposed Rules:

39 (2 documents) 35684, 35686

71 (4 documents) 35689, 35690, 35691, 35692

20 CFR

404.....35651

408.....35651

416.....35651

27 CFR

Proposed Rules:

4.....35693

33 CFR

165 (2 documents) 35654, 35656

Proposed Rules:

165.....35697

39 CFR

111.....35658

Proposed Rules:

111.....35701

40 CFR

Proposed Rules:

52 (3 documents) 35701, 35705, 35709

80.....35711

49 CFR

191.....35675

270.....35660

271.....35660

Proposed Rules:

525.....35718

531.....35718

Rules and Regulations

Federal Register
Vol. 87, No. 113
Monday, June 13, 2022

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0433; Airspace Docket No. 22–ASO–06]

RIN 2120–AA66

Amendment of Class D Airspace, and Class E Airspace, and Removal of Class E Airspace; Greenville, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and Class E airspace extending upward from 700 feet above the surface for Greenville Mid-Delta Airport, Greenville, MS, as the Greenville Very High Frequency Omnidirectional Range (VOR) has been decommissioned, and associated approaches cancelled. This action updates the airports name, and removes Class E airspace designated as an extension to Class D airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, September 8, 2022. The Director of the Federal Register approves this incorporation by reference action under Title 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 agencies authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends airspace for Greenville Mid-Delta Airport, Greenville, MS, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 23151, April 19, 2022) for Docket No. FAA–2022–0433 to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface for Greenville Mid-Delta Airport (formerly Greenville Municipal Airport), Greenville, MS, by updating the airports name, amending the radii of the existing airspace and removing Class E airspace designated as an extension to Class D airspace.

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

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 became effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by amending Class D airspace and Class E airspace extending upward from 700 feet above the surface for Greenville Mid-Delta Airport (formerly Greenville Municipal Airport), Greenville, MS, due to the decommissioning of the Greenville VOR. The Class D airspace is increased to a 4.4-mile radius, (from 4.0 miles), and a 2-mile extension to the north and south of the airport are added. Additionally, the Class E airspace extending upward from 700 feet above the surface is increased to an 8.9-mile radius (from 7-miles), and the two extensions are eliminated. Also, the navigational aids are removed from the airport description, as they are no longer necessary. Also, this action updates the airport's name and replaces the term Airport/Facility Directory with the term Chart Supplement in the Class D description. In addition, this action removes Class E airspace designated as an extension to Class D airspace, as the extensions are addressed in the Class D airspace description.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Class D and Class E airspace designations are published in Paragraphs 5000, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11. FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 an 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 5000 Class D Airspace.

* * * * *

ASO MS D Greenville, MS [Amended]

Greenville Mid-Delta Airport, MS
(Lat. 33°28′58″ N, long. 90°59′08″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL, within a 4.4-mile radius of Greenville Mid-Delta Airport, and within 1-mile each side of a 180° bearing, extending from the 4.4-mile radius to 6.4 miles south of the airport, and within 1-mile each side of the 360° bearing, extending from the 4.4-mile radius to 6.4 miles north of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E4 Greenville, MS [Removed]

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

* * * * *

ASO MS E5 Greenville, MS [Amended]

Greenville Mid-Delta Airport, MS
(Lat. 33°28′58″ N, long. 90°59′08″ W)

That airspace extending upward from 700 feet above the surface within an 8.9-mile radius of Greenville Mid-Delta Airport.

Issued in College Park, Georgia, on June 7, 2022.

Andreese C. Davis,

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

[FR Doc. 2022–12656 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0309; Airspace Docket No. 22–AEA–3]

RIN 2120–AA66

Amendment of Class E Airspace; Connellsville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Connellsville, PA. The FAA is taking this action as the result of an airspace review caused by the decommissioning of the Indian Head VHF omnidirectional range (VOR) navigation aids as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 21063; April 11, 2022) for Docket No. FAA–2022–0309 to amend the Class E airspace at Connellsville, PA. 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 7400.11F.

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 service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 6.5-mile) radius of Joseph A. Hardy Connellsville Airport, Connellsville, PA; removes the CAMOR LOM/NDB and associated extension from the airspace legal description as it is no longer needed; removes the Indian Head VORTAC and associated extension from the airspace legal description; and updates the name (previously Connellsville Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Indian Head VOR, which provided navigation information for the instrument procedures at this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that 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 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Connellsville, PA [Amended]

Joseph A. Hardy Connellsville Airport, PA
(Lat. 39°57′33″ N, long. 79°39′27″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Joseph A. Hardy Connellsville Airport.

Issued in Fort Worth, Texas, on June 6, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–12414 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0403; Airspace Docket No. 22–AEA–6]

RIN 2120–AA66

Amendment of Class E Airspace; Honesdale, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace in Honesdale, PA, as Spring Hill Airport has been abandoned and controlled airspace is no longer required, and removes Wilkes-Barre VORTAC from the description, as it is no longer necessary to describe the airspace. This action also updates Cherry Ridge Airport's geographic coordinates to coincide with the FAA's database. 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 amends Class E airspace in Honesdale, PA, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 22161, April 14, 2022) for Docket No. FAA–2022–0403 to amend Class E airspace extending upward from 700 feet above the surface in Honesdale, PA, by removing Spring Hill Airport from the descriptor because the airport has been abandoned and airspace is no longer necessary. This action also removes Wilkes-Barre

VORTAC from the description, as it is no longer necessary, and updates the geographic coordinates of Cherry Ridge Airport to coincide with the FAA's data base. This action enhances the safety and management of controlled airspace within the national airspace system. In addition, subsequent to the publication of the NPRM the FAA determined this action needed to be amended by replacing the term revocation of airspace with the term amendment of airspace.

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface in Honesdale, PA, by removing Spring Hill Airport from the description, as the airport has closed. This action also removes Wilkes-Barre VORTAC from the description, as it is no longer necessary, and updates the geographic coordinates of Cherry Hill Airport to coincide with the FAA's database.

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 an 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.

* * * * *

AEA PA E5 Honesdale, PA [Amended]

Cherry Ridge Airport, PA
(Lat. 41°30′56″ N, long 75°15′06″ W)
Honesdale Sports Complex Heliport Point in Space Coordinates
(Lat. 41°34′11″ N, long. 75°14′49″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Cherry Ridge Airport, and that airspace within a 6-mile radius of the point in space coordinates serving the Honesdale Sports Complex Heliport.

Issued in College Park, Georgia, on June 7, 2022.

Lisa Burrows,

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

[FR Doc. 2022–12526 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31432; Amdt. No. 4012]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective June 13, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 13, 2022.

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

For Examination

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

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

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

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

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

Availability

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

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

SUPPLEMENTARY INFORMATION:

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on May 27, 2022.

Thomas J. Nichols,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
14–Jul–22	KY	Glasgow	Glasgow Muni	2/0109	3/11/22	RNAV (GPS) RWY 26, Amdt 2A.
14–Jul–22	KY	Glasgow	Glasgow Muni	2/0110	3/11/22	RNAV (GPS) RWY 8, Amdt 2C.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
14–Jul–22	UT	Delta	Delta Muni	2/0126	5/11/22	VOR/DME RWY 17, Amdt 2A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0159	3/17/22	ILS OR LOC RWY 28R, Amdt 3A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0160	3/17/22	ILS Y OR LOC Y RWY 10L, Amdt 26A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0161	3/17/22	RNAV (GPS) RWY 7, Amdt 2A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0162	3/17/22	RNAV (GPS) RWY 10L, Amdt 4A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0163	3/17/22	RNAV (GPS) RWY 25, Amdt 2A.
14–Jul–22	MT	Billings	Billings Logan Intl	2/0164	3/17/22	RNAV (GPS) Y RWY 28R, Amdt 4A.
14–Jul–22	AR	Clinton	Holley Mountain Airpark	2/0317	5/19/22	RNAV (GPS) RWY 23, Amdt 1C.
14–Jul–22	AR	Clinton	Holley Mountain Airpark	2/0318	5/19/22	RNAV (GPS) RWY 5, Amdt 1C.
14–Jul–22	PA	Wilkes-Barre	Wilkes-Barre Wyoming Valley	2/0354	5/19/22	RNAV (GPS) RWY 25, Orig–D.
14–Jul–22	PA	Wilkes-Barre	Wilkes-Barre Wyoming Valley	2/0355	5/19/22	RNAV (GPS) RWY 7, Orig–C.
14–Jul–22	LA	Shreveport	Shreveport Downtown	2/0670	4/22/22	RNAV (GPS) RWY 5, Orig.
14–Jul–22	LA	Shreveport	Shreveport Downtown	2/0671	4/22/22	RNAV (GPS) RWY 23, Orig–A.
14–Jul–22	AR	Berryville	Carroll County	2/0997	3/10/22	RNAV (GPS) RWY 25, Amdt 1.
14–Jul–22	TX	Mc Allen	Mc Allen Miller Intl	2/1130	5/10/22	ILS OR LOC RWY 14, Amdt 9A.
14–Jul–22	TX	Mc Allen	Mc Allen Miller Intl	2/1136	5/10/22	RNAV (GPS) RWY 14, Amdt 1.
14–Jul–22	SC	Darlington	Darlington County	2/1209	5/6/22	VOR–A, Amdt 7B.
14–Jul–22	OK	Pryor	Mid-America Industrial	2/1233	3/31/22	RNAV (GPS) RWY 36, Orig–A.
14–Jul–22	OK	Pryor	Mid-America Industrial	2/1234	3/31/22	RNAV (GPS) RWY 18, Orig.
14–Jul–22	HI	Hilo	Hilo Intl	2/1281	4/6/22	VOR–B, Orig–D.
14–Jul–22	AK	Perryville	Perryville	2/1285	4/6/22	RNAV (GPS) RWY 2, Amdt 1.
14–Jul–22	CA	Concord	Buchanan Fld	2/1297	3/31/22	LDA RWY 19R, Amdt 9A.
14–Jul–22	CA	Concord	Buchanan Fld	2/1299	3/31/22	VOR RWY 19R, Amdt 14A.
14–Jul–22	CA	San Jose	Norman Y Mineta San Jose Intl.	2/1550	4/6/22	RNAV (GPS) Y RWY 30R, Amdt 4.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1557	4/22/22	ILS OR LOC RWY 18L, Amdt 4.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1558	4/22/22	ILS OR LOC RWY 36R, Amdt 4B.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1573	4/22/22	RNAV (GPS) Y RWY 18L, Amdt 3.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1574	4/22/22	RNAV (GPS) Y RWY 18R, Amdt 3.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1575	4/22/22	RNAV (GPS) Y RWY 36L, Amdt 3.
14–Jul–22	TX	Austin	Austin-Bergstrom Intl	2/1577	4/22/22	RNAV (GPS) Y RWY 36R, Amdt 2A.
14–Jul–22	ND	Langdon	Robertson Fld	2/1680	5/16/22	RNAV (GPS) RWY 14, Orig.
14–Jul–22	AK	Valdez	Valdez Pioneer Fld	2/1709	5/13/22	LDA–H, Amdt 2C.
14–Jul–22	CA	Long Beach	Long Beach (Daugherty Fld)	2/1788	5/12/22	VOR OR TACAN RWY 30, Amdt 9.
14–Jul–22	AK	Mc Grath	Mc Grath	2/1847	5/6/22	LOC/DME RWY 16, Amdt 3B.
14–Jul–22	AK	Mc Grath	Mc Grath	2/1848	5/6/22	VOR/DME–C, Amdt 2A.
14–Jul–22	AK	Mc Grath	Mc Grath	2/1849	5/6/22	RNAV (GPS) RWY 16, Amdt 1B.
14–Jul–22	AL	Centre	Centre-Piedmont-Cherokee County Rgnl.	2/1971	5/19/22	RNAV (GPS) RWY 25, Amdt 1A.
14–Jul–22	AL	Centre	Centre-Piedmont-Cherokee County Rgnl.	2/1972	5/19/22	RNAV (GPS) RWY 7, Amdt 1A.
14–Jul–22	FL	St Petersburg	Albert Whitted	2/2021	5/19/22	RNAV (GPS) RWY 7, Amdt 3D.
14–Jul–22	OK	Woodward	West Woodward	2/2275	5/16/22	VOR/DME–A, Amdt 7B.
14–Jul–22	AK	Kobuk	Kobuk	2/2383	4/6/22	RNAV (GPS) RWY 27, Orig–B.
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/2560	5/6/22	ILS OR LOC RWY 25, Amdt 8.
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/2562	5/6/22	VOR RWY 25, Amdt 8B.
14–Jul–22	AL	Vernon	Lamar County	2/2582	5/19/22	RNAV (GPS) RWY 17, Orig–A.
14–Jul–22	AL	Vernon	Lamar County	2/2583	5/19/22	RNAV (GPS) RWY 35, Orig–A.
14–Jul–22	OK	Tulsa	Tulsa Riverside	2/3060	4/25/22	VOR/DME–A, Amdt 7B.
14–Jul–22	NC	Elizabeth City	Elizabeth City Cg Air Station/ Rgnl.	2/3153	4/14/22	VOR/DME RWY 19, Amdt 10H.
14–Jul–22	NC	Elizabeth City	Elizabeth City Cg Air Station/ Rgnl.	2/3154	4/14/22	VOR/DME RWY 28, Amdt 1D.
14–Jul–22	NC	Elizabeth City	Elizabeth City Cg Air Station/ Rgnl.	2/3155	4/14/22	ILS OR LOC RWY 10, Amdt 1C.
14–Jul–22	NC	Elizabeth City	Elizabeth City Cg Air Station/ Rgnl.	2/3169	4/14/22	VOR/DME RWY 10, Orig–F.
14–Jul–22	VT	Highgate	Franklin County State	2/3183	4/28/22	RNAV (GPS) RWY 1, Amdt 3B.
14–Jul–22	MN	Brainerd	Brainerd Lakes Rgnl	2/3398	5/12/22	ILS OR LOC/DME RWY 34, Amdt 2A.
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/3873	5/6/22	RNAV (GPS) RWY 31, Orig–B.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/3874	5/6/22	RNAV (GPS) RWY 25, Amdt 1C.
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/3875	5/6/22	RNAV (GPS) RWY 13, Orig–B.
14–Jul–22	NY	Jamestown	Chautauqua County/Jamestown.	2/3876	5/6/22	RNAV (GPS) RWY 7, Amdt 1B.
14–Jul–22	AR	Ash Flat	Sharp County Rgnl	2/3958	5/19/22	RNAV (GPS) RWY 4, Orig–B.
14–Jul–22	PA	Factoryville	Seamans Fld	2/4031	5/19/22	RNAV (GPS) RWY 4, Orig.
14–Jul–22	MN	Albert Lea	Albert Lea Muni	2/4052	5/16/22	RNAV (GPS) RWY 35, Amdt 1C.
14–Jul–22	NC	Lincolnton	Lincolnton-Lincoln County Rgnl.	2/4349	4/15/22	ILS Z OR LOC Z RWY 23, Orig–C.
14–Jul–22	VT	Barre/Montpelier	Edward F Knapp State	2/4505	3/16/22	ILS OR LOC RWY 17, Amdt 7B.
14–Jul–22	VT	Barre/Montpelier	Edward F Knapp State	2/4512	3/16/22	RNAV (GPS) RWY 17, Amdt 1A.
14–Jul–22	SC	Charleston	Charleston Afb/Intl	2/4549	4/15/22	RNAV (RNP) Z RWY 33, Amdt 1.
14–Jul–22	WV	Point Pleasant	Mason County	2/4969	4/28/22	RNAV (GPS) RWY 25, Orig.
14–Jul–22	WV	Point Pleasant	Mason County	2/4970	4/28/22	RNAV (GPS) RWY 7, Orig.
14–Jul–22	NC	Wilson	Wilson Industrial Air Center	2/4982	5/6/22	RNAV (GPS) RWY 9, Amdt 1A.
14–Jul–22	NC	Wilson	Wilson Industrial Air Center	2/4983	5/6/22	RNAV (GPS) RWY 15, Amdt 1A.
14–Jul–22	NC	Wilson	Wilson Industrial Air Center	2/4984	5/6/22	RNAV (GPS) RWY 33, Orig–C.
14–Jul–22	AR	Ash Flat	Sharp County Rgnl	2/4987	5/19/22	RNAV (GPS) RWY 22, Orig–B.
14–Jul–22	KY	Louisville	Bowman Fld	2/5046	4/15/22	NDB RWY 33, Amdt 16C.
14–Jul–22	KY	Louisville	Bowman Fld	2/5047	4/15/22	RNAV (GPS) RWY 33, Orig–C.
14–Jul–22	LA	Shreveport	Shreveport Downtown	2/5098	4/22/22	LOC RWY 14, Amdt 5.
14–Jul–22	MD	Fort Meade(Odenton).	Tipton	2/5134	2/16/22	RNAV (GPS) RWY 28, Amdt 1C.
14–Jul–22	KS	Oakley	Oakley Muni	2/5179	5/18/22	RNAV (GPS) RWY 34, Orig–B.
14–Jul–22	KS	Oakley	Oakley Muni	2/5182	5/18/22	NDB RWY 34, Amdt 3B.
14–Jul–22	WI	Reedsburg	Reedsburg Muni	2/5440	4/11/22	Takeoff Minimums and Obstacle DP, Amdt 2.
14–Jul–22	LA	Shreveport	Shreveport Downtown	2/5707	4/22/22	RNAV (GPS) RWY 14, Amdt 1B.
14–Jul–22	TX	Brownwood	Brownwood Rgnl	2/5820	2/23/22	RNAV (GPS) RWY 17, Amdt 1B.
14–Jul–22	NM	Farmington	Four Corners Rgnl	2/5835	3/18/22	VOR/DME RWY 5, Orig–A.
14–Jul–22	OH	Kent	Kent State University	2/6095	2/23/22	NDB RWY 1, Amdt 13C.
14–Jul–22	OH	Kent	Kent State University	2/6096	2/23/22	VOR–A, Amdt 14.
14–Jul–22	OH	Kent	Kent State University	2/6097	2/23/22	RNAV (GPS) RWY 1, Amdt 2A.
14–Jul–22	OH	Kent	Kent State University	2/6098	2/23/22	RNAV (GPS) RWY 19, Amdt 1C.
14–Jul–22	MT	Hamilton	Ravalli County	2/6165	3/21/22	RNAV (GPS) RWY 17, Orig.
14–Jul–22	MT	Hamilton	Ravalli County	2/6169	3/21/22	RNAV (GPS)–A, Orig.
14–Jul–22	SC	Beaufort	Beaufort Exec	2/6712	5/6/22	RADAR–1, Amdt 3A.
14–Jul–22	AL	Hamilton	Marion County-Rankin Fite	2/6715	5/6/22	RNAV (GPS) RWY 18, Orig–C.
14–Jul–22	AL	Hamilton	Marion County-Rankin Fite	2/6716	5/6/22	RNAV (GPS) RWY 36, Orig–A.
14–Jul–22	VA	South Boston	William M Tuck	2/7100	4/15/22	Takeoff Minimums and Obstacle DP, Amdt 3A.
14–Jul–22	NC	Hickory	Hickory Rgnl	2/7231	5/6/22	VOR/DME RWY 24, Orig–E.
14–Jul–22	IN	Indianapolis	Indianapolis Rgnl	2/7257	5/5/22	VOR RWY 34, Amdt 2D.
14–Jul–22	MI	Iron Mountain Kingsford.	Ford	2/7509	5/4/22	LOC/DME BC RWY 19, Amdt 13B.
14–Jul–22	PA	Palmyra	Reigle Fld	2/7513	5/6/22	RNAV (GPS)–A, Orig.
14–Jul–22	MD	Frederick	Frederick Muni	2/7991	4/28/22	ILS OR LOC RWY 23, Amdt 6.
14–Jul–22	FL	Lakeland	Lakeland Linder Intl	2/8521	3/7/22	RNAV (GPS) RWY 23, Orig–F.
14–Jul–22	AL	Scottsboro	Scottsboro Muni-Word Fld	2/8674	5/6/22	RNAV (GPS) RWY 22, Orig–A.
14–Jul–22	AL	Scottsboro	Scottsboro Muni-Word Fld	2/8675	5/6/22	RNAV (GPS) RWY 4, Orig–A.
14–Jul–22	MT	Wolf Point	L M Clayton	2/9090	5/11/22	RNAV (GPS) RWY 11, Amdt 1A.
14–Jul–22	AK	Kiana	Bob Baker Meml	2/9218	3/2/22	RNAV (GPS) RWY 25, Amdt 1.
14–Jul–22	ND	Williston	Williston Basin Intl	2/9230	3/2/22	VOR RWY 22, Orig.
14–Jul–22	ND	Williston	Williston Basin Intl	2/9231	3/2/22	RNAV (GPS) RWY 22 , Orig.
14–Jul–22	MN	Detroit Lakes	Detroit Lakes/Wething Fld	2/9332	3/2/22	RNAV (GPS) RWY 32, Amdt 2A.
14–Jul–22	MT	Wolf Point	L M Clayton	2/9494	5/11/22	RNAV (GPS) RWY 29, Amdt 1A.
14–Jul–22	MT	Roundup	Roundup	2/9501	5/11/22	RNAV (GPS) RWY 25, Orig–B.
14–Jul–22	MT	Roundup	Roundup	2/9503	5/11/22	RNAV (GPS) RWY 7, Orig–A.
14–Jul–22	WY	Cowley/Lovell/Byron	North Big Horn County	2/9529	3/29/22	RNAV (GPS) RWY 9, Orig–A.
14–Jul–22	WY	Cowley/Lovell/Byron	North Big Horn County	2/9530	3/29/22	NDB RWY 9, Amdt 2A.
14–Jul–22	KS	Smith Center	Smith Center Muni	2/9554	3/25/22	RNAV (GPS) RWY 32, Orig–C.
14–Jul–22	KS	Smith Center	Smith Center Muni	2/9555	3/25/22	RNAV (GPS) RWY 14, Orig–C.
14–Jul–22	FL	Stuart	Witham Fld	2/9587	5/6/22	RNAV (GPS) RWY 30, Amdt 1A.
14–Jul–22	SC	Beaufort	Beaufort Exec	2/9744	5/6/22	RNAV (GPS) RWY 25, Amdt 2.
14–Jul–22	SC	Beaufort	Beaufort Exec	2/9745	5/6/22	RNAV (GPS) RWY 7, Amdt 1B.

[FR Doc. 2022–12550 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31431; Amdt. No. 4011]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective June 13, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 13, 2022.

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

For Examination

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

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

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

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

Availability

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

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

SUPPLEMENTARY INFORMATION:

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

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

number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on May 27, 2022.

Thomas J. Nichols,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 14 July 2022

Homer, AK, PAHO, LOC BC RWY 22, Amdt 7
Klawock, AK, PAKW, KLAWOCK ONE Graphic DP
Klawock, AK, Klawock, KLAWOCK TWO Graphic DP, CANCELLED
Klawock, AK, PAKW, NDB/DME RWY 2, Amdt 1C, CANCELLED
Klawock, AK, PAKW, RNAV (GPS) RWY 20, Amdt 1
Klawock, AK, PAKW, RNAV (GPS) Y RWY 2, Amdt 2
St Mary's, AK, PASM, RNAV (GPS) RWY 17, Amdt 3D
Lompoc, CA, Lompoc, KLPC, Takeoff Minimums and Obstacle DP, Amdt 2B
Jacksonville, FL, KHEG, NDB–A, Amdt 1
Miami, FL, KMIA, RNAV (GPS) RWY 9, Amdt 2
Okeechobee, FL, KOBE, RNAV (GPS) RWY 5, Amdt 1D
Chicago, IL, KORD, ILS OR LOC RWY 9R, ILS RWY 9R (CAT II), ILS RWY 9R (CAT III), Amdt 13
Chicago, IL, KORD, ILS OR LOC RWY 27L, ILS RWY 27L (SA CAT I), ILS RWY 27L (CAT II), ILS RWY 27L (CAT III), Amdt 33
Coffeyville, KS, KCFV, RNAV (GPS) RWY 35, Amdt 1
Coffeyville, KS, KCFV, VOR/DME–A, Amdt 7B, CANCELLED
Kansas City, MO, KMCI, ILS OR LOC RWY 1L, Amdt 17
Kansas City, MO, KMCI, ILS OR LOC RWY 1R, ILS RWY 1R (SA CAT I), ILS RWY 1R (CAT II), ILS RWY 1R (CAT III), Amdt 5
Kansas City, MO, KMCI, ILS OR LOC RWY 9, Amdt 15
Kansas City, MO, KMCI, ILS OR LOC RWY 19L, Amdt 3
Kansas City, MO, KMCI, ILS OR LOC RWY 19R, ILS RWY 19R (SA CAT I), ILS RWY 19R (CAT II), ILS RWY 19R (CAT III), Amdt 13
Kansas City, MO, KMCI, ILS OR LOC RWY 27, Amdt 5
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 1L, Amdt 3
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 1R, Amdt 3
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 9, Amdt 3
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 19L, Amdt 3
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 19R, Amdt 3
Kansas City, MO, KMCI, RNAV (GPS) Y RWY 27, Amdt 3
Kansas City, MO, KMCI, RNAV (RNP) Z RWY 1L, Amdt 2
Kansas City, MO, KMCI, RNAV (RNP) Z RWY 1R, Amdt 2
Kansas City, MO, KMCI, RNAV (RNP) Z RWY 19R, Amdt 2
Kansas City, MO, KMCI, RNAV (RNP) Z RWY 27, Amdt 2
Williston, ND, KXWA, VOR RWY 14, Orig–A
Woodward, OK, KWWR, Takeoff Minimums and Obstacle DP, Amdt 2
Eugene, OR, KEUG, RNAV (RNP) Z RWY 34L, Amdt 2
Eugene, OR, KEUG, RNAV (RNP) Z RWY 34R, Amdt 2
Roseburg, OR, KRBG, Takeoff Minimums and Obstacle DP, Amdt 7A
Millington, TN, KNQA, RNAV (GPS) RWY 22, Amdt 3
Temple, TX, KTPL, ILS OR LOC RWY 16, Amdt 14
Temple, TX, KTPL, RNAV (GPS) RWY 16, Amdt 3
Temple, TX, KTPL, RNAV (GPS) RWY 34, Amdt 3
Temple, TX, KTPL, Takeoff Minimums and Obstacle DP, Amdt 4A
Huntington, WV, KHTS, ILS OR LOC RWY 12, Amdt 16
Huntington, WV, KHTS, ILS OR LOC RWY 30, Amdt 9

Rescinded: On May 16, 2022 (87 FR 29657), the FAA published an Amendment in Docket No. 31427, Amdt No. 4007, to Part 97 of the Federal Aviation Regulations under section 97.33. The following entry for Colby, KS, effective June 16, 2022, is hereby rescinded in its entirety:

Colby, KS, KCBK, RNAV (GPS) RWY 17, Amdt 2

Rescinded: On May 16, 2022 (87 FR 29657), the FAA published an Amendment in Docket No. 31427, Amdt No. 4007, to Part 97 of the Federal Aviation Regulations under section 97.23, 97.25, 97.27, and 97.29. The following entries for La Grande, OR, Pasco, WA, and Richland, WA, effective July 14, 2022, are hereby rescinded in their entirety:

La Grande, OR, KLGD, NDB–B, Amdt 2A
Pasco, WA, KPSC, ILS OR LOC RWY 21R, Amdt 13C
Pasco, WA, KPSC, VOR RWY 30, Amdt 5C
Richland, WA, KRLD, LOC RWY 19, Amdt 9A

[FR Doc. 2022–12549 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404, 408, and 416

[Docket No. SSA–2021–0046]

RIN 0960–AI52

Reducing Burden on Families Acting as Representative Payees of Social Security Payments

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: Section 102 of the Strengthening Protections for Social Security Beneficiaries Act of 2018 (Strengthening Protections Act) reduced the burden on families by exempting certain representative payees from our annual accounting requirements. We are revising our regulations to incorporate the statutory exemption for certain representative payees from annual accounting.

DATES: This final rule is effective June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Peter Smith, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–3235. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

We make payments to a representative payee for beneficiaries who are incapable of managing their Social Security benefits, Special Veterans Benefits, or Supplemental Security Income payments. Generally, our adult beneficiaries have the right to receive their benefits directly and manage them independently. However, we may determine that a beneficiary is unable to manage or direct the management of benefit payments because of a mental or physical condition, or because of youth.[1] In these cases, we appoint a

[1] 20 CFR 404.2001(b), 408.601(b), 416.601(b) and 42 U.S.C. 405(j)(1)(A)–(j)(2)(A), 1383(a)(2)(A)–(a)(2)(B).

representative payee when we believe it will be in the beneficiary's interest to receive benefits through a representative payee instead of receiving them directly.[2]

When we select a representative payee, our primary concern is to choose someone who will best serve the beneficiary's interest.[3] A representative payee may be an organization, such as a social service agency, or a person, such as a parent, other relative, or friend of the beneficiary whom we select to receive and manage benefit payments on behalf of the beneficiary. It is important for us to select the best possible representative payee to ensure that the benefits are used in the best interest of the beneficiary and in accordance with other responsibilities and requirements discussed in our regulations.[4]

Annual Accounting Form

As a result of the decision in *Jordan* v. *Schweiker,*[5] all representative payees other than State mental hospitals were required to file with us an annual accounting of their use of beneficiaries' benefits. Specifically, we required all representative payees to complete an annual accounting form describing how the representative payee used the benefits. We also requested the representative payee to report in detail where the beneficiary lived during the accounting period, who made the decisions on how benefits were spent or saved, how much of the benefit payments were saved, and how the savings were invested.[6]

On April 13, 2018, Congress enacted the Strengthening Protections Act.[7] Section 102 of this Act, ''Reducing the Burden on Families,'' amended sections 205(j)(3), 807(h), and 1631(a)(2)(C) of the Social Security Act to relieve families from the burdens of the accounting requirement. Under the new statutory provision, representative payees who are parents or legal guardians living with their child, parents living with an adult disabled child, and spouses are no longer required to file an annual report accounting for how they spend the child's or spouse's benefits. However, these representative payees are still legally required to use the benefits on behalf of the beneficiary and according to our rules.[8]

Following the passage of the Strengthening Protections Act,[9] we modified our practice to exempt from our annual accounting requirements any representative payee who is:

- A natural or adoptive parent of a minor child entitled to title II benefits or eligible for title XVI payments, or both, who primarily resides in the same household as the beneficiary;
- A legal guardian of a minor child entitled to title II benefits or eligible for title XVI payments, or both, who primarily resides in the same household as the beneficiary;
- A natural or adoptive parent of a disabled individual (as defined in sections 223(d) or 1614(a)(3) of the Act) entitled to title II benefits or eligible for title XVI payments, or both, who primarily resides in the same household as the beneficiary; or
- The spouse of an individual entitled to title II benefits or eligible for title VIII or title XVI payments.

Explanation of Changes

To ensure our regulations reflect the provisions of section 102 of the Strengthening Protections Act, we are revising 20 CFR 404.2065, 408.665, and 416.665 to remove the annual accounting requirement for exempt representative payees. While there are no substantive changes aside from the exemption for certain representative payees, the revisions involve some restructuring of the regulations. We are making no other changes to our regulations.

Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when we develop regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(A)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to the notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We find that there is good cause under 5 U.S.C. 553(b)(B) to issue this regulatory change as a final rule without prior public comment. We find that prior public comment is unnecessary because this final rule merely makes our regulations (20 CFR 404.2065, 408.665, and 416.665) consistent with the provisions of the Strengthening Protections Act, which exempts certain representative payees from the requirement of submitting an annual accounting report. Because we are only making our regulations consistent with the Strengthening Protections Act, and we are making no other changes, we find that prior public comment is unnecessary and there is good cause to issue this final rule without prior notice and public comment.

In addition, we find that there is good cause for dispensing with the 30-day delay in the effective date of this final rule as provided by 5 U.S.C. 553(d)(3). As we explained above, this final rule merely makes our regulations consistent with the Strengthening Protections Act, which is already in effect. Therefore, we find that it is unnecessary to delay the effective date of the final rule.

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the requirements for a significant regulatory action under Executive Order (E.O.) 12866, as supplemented by E.O. 13563. Therefore, OMB did not review it.

We also determined that this final rule meets the plain language requirement of E.O. 12866.

Executive Order 13132 (Federalism)

We analyzed this final rule in accordance with the principles and criteria established by E.O. 13132 and determined that the final rule will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. We also determined that this final rule would not preempt any State law or State

[2] 20 CFR 404.2001(a), 408.601(a), and 416.601(a).

[3] 20 CFR 404.2021, 408.621, and 416.621.

[4] 20 CFR 404.2035, 408.635, 416.635 and, generally, 20 CFR 404 Subpart U.

[5] *Jordan* v. *Schweiker,* No. 79–994–W, 1983 U.S. Dist. LEXIS 18484 (W.D. Okla. Mar. 17, 1983); *see also, id.* (order of March 26, 1984) (subsequent history omitted). We have included a copy of the relevant decisions in *Jordan* in the rulemaking docket for this rule. The records are available at *regulations.gov* as a supporting and related material for docket SSA–2021–0046.

[6] 20 CFR 404.2065, 408.665, and 416.665.

[7] Strengthening Protections for Social Security Beneficiaries Act of 2018, Public Law 115–165, 132 Stat. 1257, available at *https://www.congress.gov/bill/115th-congress/house-bill/4547.*

[8] Other payees who are not parents, spouses, or State mental hospitals participating in our onsite review process are still required to file the annual report.

[9] Shortly after enactment of the Strengthening Protections Act, the Department of Justice filed a motion for partial relief from the court's prior orders in *Jordan* to allow for implementation of the accounting exemption. On May 17, 2018, the Court granted the motion and exempted ''from the annual accounting requirement any representative payee who is either (1) a parent, or other individual who is a legal guardian of, a minor child beneficiary who primarily resides in the same household, (2) a parent of an adult disabled beneficiary who primarily resides in the same household or (3) the spouse of a beneficiary.'' See *Jordan* v. *Commissioner of Social Security,* No. 79–994–W, slip op. at 2 (W.D. Okla. May 17, 2018). We have included a copy of this decision in the rulemaking record.

regulation or affect the States' abilities to discharge traditional State governmental functions.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

While this final rule exempts certain representative payees from the annual accounting requirement, and will affect the Old-Age, Survivors, and Disability Insurance (OASDI) and Supplemental Security Income (SSI) programs, the final rule does not require any updates or changes to any of our forms.

We use the following forms to collect representative payee information during Title II & Title XVI Claims:

- SSA–637, SSA–639, Site Review Questionnaire for Volume Payees, Fee-For-Service Payees & Beneficiary Interview Form (0960–0633)
- SSA–445, Application to Collect a Fee for Payee Services (0960–0719)
- SSA–11–BK, Request To Be Selected As Payee (0960–0014)
- SSA–623–F6, SSA–6230–F6, SSA–6234–F6, Representative Payee Report (Adult, Child, and Organizational Representative Payee) (0960–0068)
- SSA–624–F5, Representative Payee Evaluation Report (0960–0069)
- SSA–6233–BK, Representative Payee Report of Benefits and Dedicated Account (0960–0576)
- SSA–1696–U4, Appointment of Representative (0960–0527)
- SSA–4547 Advance Designation of Representative Payee (0960–0814)
- SSA–2032–BK, Request for Waiver of Special Veterans Benefits (SVB)

Overpayment Recovery or Change in Repayment Rate (0960–0698)

This final rule does not require any changes to the forms listed above, nor will it affect public reporting burdens. Therefore, this final rule does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 9601, Social Security—Disability Insurance, 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income).

List of Subjects

20 CFR Part 404

Administrative practice and procedure; Blind, Disability benefits; Old-age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements; Social Security.

20 CFR Part 408

Administrative practice and procedure; Reporting and recordkeeping requirements; Social security; Supplemental Security Income (SSI), Veterans.

20 CFR Part 416

Administrative practice and procedure; Reporting and recordkeeping requirements; Social security; Supplemental Security Income (SSI).

The Acting Commissioner of the Social Security Administration, Kilolo Kijakazi, Ph.D., M.S.W., having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

For the reasons stated in the preamble, we amend 20 CFR parts 404, 408, and 416 as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart U—Representative Payment

■ 1. The authority citation for subpart U of part 404 continues to read as follows:

Authority: Secs. 205(a), (j), and (k), and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), (j), and (k), and 902(a)(5)).

■ 2. Revise § 404.2065 to read as follows:

§ 404.2065 How does your representative payee account for the use of benefits?

(a) Your representative payee must account for the use of your benefits. We require written reports from your representative payee at least once a year (except as provided in paragraph (b) of this section and for certain State institutions that participate in a separate onsite review program).

(b) Your representative payee is exempt from the accounting requirement when your representative payee is:

(1) A natural or adoptive parent of a minor child entitled to title II benefits who primarily resides in the same household as the beneficiary;

(2) A legal guardian of a minor child entitled to title II benefits who primarily resides in the same household as the beneficiary;

(3) A natural or adoptive parent of a disabled individual (as defined in section 223(d) of the Act) entitled to title II benefits who primarily resides in the same household as the beneficiary; or

(4) The spouse of an individual entitled to title II benefits.

(c) We may verify how your representative payee used your benefits. Your representative payee should keep records of how benefits were used in order to make accounting reports and must make those records available upon our request. If your representative payee fails to provide an annual accounting of benefits or other required reports, we may require your payee to receive your benefits in person at the local Social Security field office or a United States Government facility that we designate serving the area in which you reside. The decision to have your representative payee receive your benefits in person may be based on a variety of reasons. Some of these reasons may include the payee's history of past performance or our past difficulty in contacting the payee. We may ask your representative payee to give us the following information:

(1) Where you lived during the accounting period;

(2) Who made the decisions on how your benefits were spent or saved;

(3) How your benefit payments were used; and

(4) How much of your benefit payments were saved and how the savings were invested.

PART 408—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS (1950–)

Subpart F—Representative Payment

■ 3. The authority citation for subpart F of part 408 continues to read as follows:

Authority: Secs. 205(j)(1)(C), 702(a)(5), 807, and 810 of the Social Security Act (42 U.S.C. 405(j)(1)(C), 902(a)(5), 1007, and 1010).

■ 4. Revise § 408.665 to read as follows:

§ 408.665 How does your representative payee account for the use of your SVB payments?

(a) Your representative payee must account for the use of your benefits. We require written reports from your representative payee at least once a year.

(b) Your representative payee is exempt from the accounting requirement when your representative payee is the spouse of an individual eligible for SVB payments.

(c) We may verify how your representative payee used your benefits.

Your representative payee should keep records of how benefits were used in order to provide accounting reports and must make those records available upon our request. If your representative payee fails to provide an annual accounting of benefits or other required report, we may require your payee to appear in person at the local Social Security field office or a United States Government facility that we designate serving the area in which you reside. The decision to have your representative payee receive your benefits in person may be based on a variety of reasons. Some of these reasons may include the payee's history of past performance or our past difficulty in contacting the payee. We may ask your representative payee to give us the following information:

(1) Where you lived during the accounting period;

(2) Who made the decisions on how your benefits were spent or saved;

(3) How your benefit payments were used; and

(4) How much of your benefit payments were saved and how the savings were invested.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1950–)

Subpart F—Representative Payment

■ 5. The authority citation for subpart F of part 416 continues to read as follows:

Authority: Secs. 205(j)(1)(C), 702(a)(5), 1631(a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 405(j)(1)(C), 902(a)(5), 1383(a)(2) and (d)(1)).

■ 6. Revise § 416.665 to read as follows:

§ 416.665 How does your representative payee account for the use of benefits?

(a) Your representative payee must account for the use of your benefits. We require written reports from your representative payee at least once a year (except as provided in paragraph (b) of this section and for certain State institutions that participate in a separate onsite review program).

(b) Your representative payee is exempt from the accounting requirement when your representative payee is:

(1) A natural or adoptive parent of a minor child eligible for title XVI benefits who primarily resides in the same household as the beneficiary;

(2) A legal guardian of a minor child eligible for title XVI benefits who primarily resides in the same household as the beneficiary;

(3) A natural or adoptive parent of a disabled individual (as defined in section 1614(a)(3) of the Act) eligible for title XVI benefits who primarily resides in the same household as the beneficiary; or

(4) The spouse of an individual eligible for title XVI benefits.

(c) We may verify how your representative payee used your benefits. Your representative payee should keep records of how benefits were used in order to make accounting reports and must make those records available upon our request. If your representative payee fails to provide an annual accounting of benefits or other required reports, we may require your payee to receive your benefits in person at the local Social Security field office or a United States Government facility that we designate serving the area in which you reside. The decision to have your representative payee receive your benefits in person may be based on a variety of reasons. Some of these reasons may include the payee's history of past performance or our past difficulty in contacting the payee. We may ask your representative payee to give us the following information:

(1) Where you lived during the accounting period;

(2) Who made the decisions on how your benefits were spent or saved;

(3) How your benefit payments were used; and

(4) How much of your benefit payments were saved and how the savings were invested.

[FR Doc. 2022–12682 Filed 6–10–22; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0134]

RIN 1625–AA00

Safety Zone; Falls Bridge Project, Blue Hill, ME

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters within a 50-yard radius from the center of the Falls Bridge in Blue Hill, ME. This action is necessary to protect personnel, vessels, and marine environment from potential hazards created by the demolition, subsequent removal, and replacement of the Falls Bridge. This regulation prohibits entry of vessels or persons into the safety zone unless authorized by the Captain of the Port Northern New England or a designated representative.

DATES: This rule is effective from July 1, 2022, through June 30, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0134 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 Chief Marine Science Technician Zachary Wetzel, Waterways Management Division, Sector Northern New England, U.S. Coast Guard; telephone 207–347–5003, email *Zachary.R.Wetzel@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Northern New England
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 January 6, 2022, the Maine Department of Transportation notified Sector Northern New England of an upcoming construction project on the Falls Bridge in Blue Hill, ME. In response, on April 22, 2022, the Coast Guard published a notice of purposed rulemaking (NPRM) titled ''Safety Zone; Falls Bridge Project, Blue Hill, ME'' (87 FR 24088). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this construction project. During the comment period that ended May 23, 2022, we received one comment.

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**. The comment period for the NPRM associated with the Falls Bridge in Blue Hill, ME, Bridge replacement project ended on May 23, 2022. The construction project is scheduled to begin on July 1, 2022. Thus, there is now insufficient time for a 30 day effective period before the need to enforce the safety zone on July 1, 2022. The Maine Department of Transportation has awarded the job to a contractor and work is ready to begin. Delaying the enforcement of this safety zone to allow a 30 day effective period

will be impractical and contrary to the public interest because it would inhibit the Coast Guard's ability to fulfill its mission to keep the ports and waterways safe.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Northern New England (COTP) has determined that potential hazards associated with the bridge construction from July 1, 2022, through June 30, 2024, will be a safety concern for anyone within a 50-yard radius of the bridge. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone during bridge construction.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published April 22, 2022. The comment was in favor of the rule. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from July 1, 2022, through June 30, 2024. The safety zone will cover all navigable waters within 50 yards of the Falls Bridge located in Blue Hill, Maine. The duration of the zone is intended to ensure the safety of vessels and these navigable waters during bridge replacement. 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. The safety zone would only impact a 50-yard radius from the center of the Falls Bridge in Blue Hill, ME. Local waterway use is normally recreational and public outreach performed by Maine Department of Transportation has not identified any commercial vessel use. Proper public notice of enforcement will be given through appropriate means, which may include, but are not limited to, publication in the Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16.

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 received no comments from the Small Business Administration on this rulemaking. 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 establishing a safety zone that would be enforced 24 hours a day from July 1, 2022, through June 30, 2024, that would prohibit entry within a 50-yard radius from the center of the Falls Bridge in Blue Hill, ME. 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.T01–0134 to read as follows:

§ 165.T01–0134 Safety Zone; Falls Bridge Project, Blue Hill, ME.

(a) *Locations.* The following area is a safety zone: All navigable waters, from surface to bottom, within a 50-yard radius from the center of the Falls Bridge in Blue Hill, ME.

(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 Northern New England (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM marine channel 16 or by contacting the Coast Guard Sector Northern New England Command Center at (207) 741–5465. 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 is effective from July 1, 2022, through June 30, 2024, and subject to enforcement 24 hours a day. The Coast Guard will use Broadcast Notice to Mariners and Local Notice to Mariners to notify the public of this safety zone.

Dated: June 6, 2022.

A.E. Florentino,

Captain, U.S. Coast Guard, Captain of the Port Northern New England.

[FR Doc. 2022–12615 Filed 6–10–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0163]

RIN 1625–1625–AA00

Safety Zone; Tall Ships Challenge Great Lakes 2022; Erie, PA, Cleveland, OH, and Two Harbors, MN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will create safety zones around each tall ship visiting the Great Lakes during the Tall Ships Challenge 2022 race series. These safety zones will provide for the regulation of vessel traffic in the vicinity of each tall ship in the navigable waters of the United States. The Coast Guard is taking this action to safeguard participants and spectators from the hazards associated with the limited maneuverability of these tall ships and to ensure public safety during tall ships events.

DATES: This rule is effective from 12:01 a.m. June 24, 2022, until 12:01 a.m. on August 29, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0163 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 LT Jason Radcliffe, 9th District Waterways Management, U.S. Coast Guard; telephone 216–902–6078, email *jason.a.radcliffe2@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

During the Tall Ships Challenge Great Lakes 2022, tall ships will be participating in maritime parades, training cruises, races, and mooring in the harbors of Erie, PA, Cleveland, OH, and Two Harbors, MN. This is a tri-annual event that teaches character building and leadership through sail training. The Tall Ships event seeks to educate the public about both the historical aspects of sailing ships as well as their current use as training vessels for students. Tall ships are large, traditionally-rigged sailing vessels. The event will consist of festivals at each port of call, sail training cruises, tall ship parades, and races between the ports. More information regarding the Tall Ships Challenge 2022 and the participating vessels can be found at *https://www.tallshipschallenge.com/.*

In response, on 1 April 2022 the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Tall Ships Challenge Great Lakes 2022; Erie, PA, Cleveland, OH, and Two Harbors, MN (87 FR 19039). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this Tall Ships event. During the comment period that ended 2 May 2022 we received 03 comments from the public and 01 internal comment, all of which voiced support for the proposed rule.

III. Legal Authority and Need for Rule

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 0170.1. These safety zones are necessary to protect the tall ships from potential harm and to protect the public from the hazards associated with the limited maneuverability of tall sailing ships. When operating under sail, they require a substantial crew to manually turn the rudder and adjust the sails, therefore they cannot react as quickly as modern ships. Additionally, during parades of sail, the tall ships will be following a set course through a crowded harbor, and it is imperative that spectator craft stay clear since maneuvering the tall ships to avoid large crowds of spectator craft would not be possible. Due to the high

profile nature and extensive publicity associated with this event, each Captain of the Port (COTP) expects a large number of spectators in confined areas adjacent to the tall ships. The combination of large numbers of recreational boaters, congested waterways, boaters crossing commercially transited waterways and low maneuverability of the tall ships could easily result in serious injuries or fatalities. Therefore, the Coast Guard will enforce a safety zone around each ship to ensure the safety of both participants and spectators in these areas.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 04 comments on our NPRM published 01 April 2022. An internal comment was received requesting flexibility for Captains of the Port to temporarily reduce the 100 yard safety zone down to 25 yards while ships are inport and moored. The intent of this request is to provide on-scene Coast Guard crews with a more scaleable solution to match enforcement logistics to unique local waterway layouts, narrow navigable channels, and transiting commercial vessel challenges.There is a change in the regulatory text of this rule from the proposed rule in the NPRM to reflect this revision.

This section is effective from 12:01 a.m. on June 24, 2022, through 12:01 a.m. on August 29, 2022. The following areas are safety zones: All navigable waters of the United States located in the Ninth Coast Guard District within a 100 yard radius of any tall ship. No person or vessel is allowed within the safety zone unless authorized by the cognizant Captain of the Port, their designated representative, or the on-scene official patrol. When a tall ship approaches any vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within the tall ship's safety zone unless ordered by or given permission from the cognizant Captain of the Port, their designated representative, or the on-scene official patrol to do otherwise. Persons or vessels operating within a confined harbor or channel, where there is not sufficient navigable water outside of the safety zone to safely maneuver are allowed to operate within the safety zone and shall travel at the minimum speed necessary to maintain a safe course. Vessels operating within the safety zone shall not come within 25 yards of a tall ship unless authorized by the cognizant Captain of the Port, their designated representative, or the on-scene official patrol. For Tall Ships securely moored inport, where local demands warrant, the Captain of the Port may temporarily reduce the 100 yard Safety Zone down to 25 yards.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone or through it at slow speed in congested areas. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow 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 received 00 comments from the Small Business Administration on this rulemaking. 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 surrounding each vessel participating in the 2022 Tall Ships Challenge in the Great Lakes from 12:01 a.m. on June 24, 2022, through 12:01 a.m. on August 29, 2022. 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.T09–0163 to read as follows:

§ 165.T09–0163 Safety Zone; Tall Ships Challenge Great Lakes 2022; Erie, PA, Cleveland, OH, and Two Harbors, MN.

(a) *Definitions.* The following definitions apply to this section:

(1) *Navigation rules* means the Navigation Rules, International and Inland (see, 1972 COLREGS (33 CFR chapter I, subchapters D and E) and 33 U.S.C. 2001 *et seq.*).

(2) *Official patrol* means those persons designated by Captain of the Port Buffalo and Sault Ste. Marie to monitor a tall ship safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the cognizant Captain of the Port.

(3) *Public vessel* means vessels owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(4) *Tall ship* means any sailing vessel participating in the Tall Ships Challenge 2022 in the Great Lakes.

(b) *Location.* The following areas are safety zones: All navigable waters of the United States located in the Ninth Coast Guard District within a 100 yard radius of any tall ship.

(c) *Regulations.* (1) No person or vessel is allowed within the safety zone unless authorized by the cognizant Captain of the Port, their designated representative, or the on-scene official patrol.

(2) Persons or vessels operating within a confined harbor or channel, where there is not sufficient navigable water outside of the safety zone to safely maneuver are allowed to operate within the safety zone and shall travel at the minimum speed necessary to maintain a safe course. Vessels operating within the safety zone shall not come within 25 yards of a tall ship unless authorized by the cognizant Captain of the Port, their designated representative, or the on-scene official patrol.

(3) When a tall ship approaches any vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within the tall ship's safety zone unless ordered by or given permission from the cognizant Captain of the Port, their designated representative, or the on-scene official patrol to do otherwise.

(4) For tall ships securely moored inport, where local demands warrant, the Captain of the Port may temporarily reduce the 100 yard Safety Zone down to 25 yards.

(d) *Effective period.* This section is effective from 12:01 a.m. on June 24, 2022, through 12:01 a.m. on August 29, 2022.

(e) *Navigation rules.* The navigation rules shall apply at all times within a tall ships safety zone.

Dated: June 6, 2022.

M.J. Johnston,

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

[FR Doc. 2022–12668 Filed 6–10–22; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On April 6, 2022, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective July 10, 2022. This final rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and other minor DMM changes.

DATES: Effective July 10, 2022.

FOR FURTHER INFORMATION CONTACT: Doriane Harley at (202) 268–2537 or Dale Kennedy at (202) 268–6592.

SUPPLEMENTARY INFORMATION: On May 27, 2022, the PRC favorably reviewed the price adjustments proposed by the Postal Service. The price adjustments, and DMM revisions are scheduled to become effective on July 10, 2022. Final prices are available under Docket No. R2022–1 (Order No. 6188) on the Postal Regulatory Commission's website at *www.prc.gov.*

Qualified Business Reply Mail (QBRM) Uniform Rate

The Postal Service is offering to replace the current pricing tiers with a uniform per-piece price for QBRM letters up to and including 3.5 ounces. The offering would also allow high-volume business reply mail customers to use the QBRM product.

Direct Container Discount for Marketing Mail High Density Plus and Saturation Flats

The Postal Service is offering discounts for USPS Marketing Mail Saturation Flats (including EDDM, not EDDM Retail) and High Density Plus Flats in 5-digit (direct) containers (pallets, sacks, and tubs). Currently, the Postal Service offers discounts for Carrier Route Flats and High Density

Flats on 5-digit (direct) pallets; these discounts would now extend to Carrier Route Flats and High Density Flats in 5-digit (direct) sacks and tubs.

Round-Trip Mailings With One Optical Disc—Nonautomation Presort

The Postal Service is extending the updated pricing structure for nonautomation machinable letters to Round-Trip Mailings with One Optical Disc. Letter-shaped mailpieces up to 1 ounce will be able to avail themselves of nonautomation machinable letter AADC and Mixed AADC prices instead of being limited to one nonautomation presort price. Similarly, flat-shaped mailings up to 2 ounces will be able to avail themselves to nonautomation machinable letter AADC and Mixed AADC prices instead of one nonautomation presort price.

Priority Mail Insurance

The Postal Service will make the amount of insurance included with retail and commercial priced Priority Mail limited to a maximum liability of $100.00.

In addition, the Postal Service will include the $100.00 of insurance with Priority Mail Return service pieces.

The Postal Service did not receive any formal comments.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

200 Commercial Mail

* * * * *

230 First-Class Mail

* * * * *

233 Prices and Eligibility

* * * * *

4.0 Additional Eligibility Standards for Nonautomation Machinable First-Class Mail

4.3 Price Application—Nonautomation Machinable—Letters

Nonautomation machinable letters are subject to AADC and mixed AADC prices only (including Round-Trip Mailings with One Optical Disc).

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route USPS Marketing Mail Letters and Flats

* * * * *

6.3 Basic Price Enhanced Carrier Route Standards

* * * * *

[Revise the title and text of 6.3.4; to read as follows:]

6.3.4 Basic Carrier Route Bundles on a 5-Digit/Direct Container (Basic–CR Bundles/Container) Price Eligibility–Flats

The Basic—CR Bundles/Container discount applies to each piece in a carrier route bundle of 10 or more pieces that are palletized under 705.8.0 on a 5-digit carrier route or 5-digit scheme carrier route pallet entered at an Origin (None), DNDC, DSCF, or DDU entry or palletized under 705.14.0 on a FSS scheme pallet (in a FSS Scheme bundle), or in a Carrier Route sack or tub under 245.9.3 and entered at an Origin (None), DNDC, DSCF, or DDU.

* * * * *

6.5 High Density and High Density Plus (Enhanced Carrier Route) Standards—Flats

* * * * *

[Revise the title and text of 6.5.3; to read as follows:]

6.5.3 High Density Carrier Route Bundles on a 5-Digit/Direct Container (High Density–CR Bundles/Container Discount Eligibility)—Flats

High Density–CR Bundles/Container discount applies to 125 or more High Density—eligible pieces that are palletized under 705.8.0 on a 5-digit carrier route, 5-digit carrier routes, or 5-digit scheme carrier route pallet entered at an Origin (None), DNDC, DSCF, or DDU entry, or palletized under 705.14.0 on a FSS scheme pallet (in a FSS scheme bundle), or in a Carrier Route sack or tub under 245.9.3 and entered at an Origin (None), DNDC, DSCF, or DDU.

[Add new section 6.5.4; to read as follows:]

6.5.4 High Density Plus Carrier Route Bundles on a 5-Digit/Direct Container (High Density Plus–CR Bundles/Container Discount Eligibility)—Flats

High Density Plus–CR Bundles/Container discount applies to 300 or more High Density Plus eligible pieces that are palletized under 705.8.0 on a 5-digit carrier route, 5-digit carrier routes, or 5-digit scheme carrier route pallet entered at an Origin (None), DNDC, DSCF, or DDU entry, or palletized under 705.14.0 on a FSS scheme pallet (in a FSS scheme bundle) or in a Carrier Route sack or tub under 245.9.3 and entered at an Origin (None), DNDC, DSCF, or DDU.

* * * * *

6.7 Saturation Enhanced Carrier Route Standards—Flats

* * * * *

[Add new section 6.7.3; to read as follows:]

6.7.3 Saturation—(Including EDDM) Carrier Route Bundles on a 5-Digit/Direct Container (Saturation–CR Bundles/Container Discount Eligibility)—Flats

Saturation–CR Bundles/Container discount applies to at least 90% or more of the active residential addresses or 75% or more of the total number of active possible delivery addresses on each carrier route that are palletized under 705.8.0 on a 5-digit carrier route, 5-digit carrier routes, or 5-digit scheme carrier route pallet entered at the origin (None), DNDC, DSCF, or DDU entry, or palletized under 705.14.0 on a FSS scheme pallet (in a FSS scheme bundle), or in a Carrier Route sack or tub under 245.9.3 and entered at an Origin (None), DNDC, DSCF, or DDU.

* * * * *

500 Additional Services

* * * * *

503 Extra Services

1.0 Basic Standards for All Extra Services

* * * * *

1.4 Eligibility for Extra Services

* * * * *

Exhibit 1.4.1 Eligibility—Domestic Mail

EXTRA SERVICE ELIGIBLE MAIL ADDITIONAL COMBINED EXTRA SERVICES

* * * * *

Insurance

Insurance Restricted Delivery

[Revise the ''Note:'' under ''Insurance'' to read as follows:]

Note: Priority Mail Express includes $100.00 of insurance and Priority Mail includes $100.00 of insurance; see 503.4.0.

* * * * *

4.0 Insured Mail

* * * * *

4.2 Insurance Coverage—Priority Mail

[Revise the introductory text of 4.2 to read as follows:]

Priority Mail pieces, including Priority Mail Return service, are insured against loss, damage, or missing contents, up to a maximum of $100.00, subject to the following:

[Revise the text of item a to read as follows:]

a. Insurance coverage is provided against loss, damage, or missing contents and is limited to a maximum liability of $100.00 when the Priority Mail pieces bear an Intelligent Mail package barcode (IMpb) or USPS retail tracking barcode (see 4.3.4) and the mailer pays retail or commercial prices.

[Delete item b in its entirety and renumber items c through f as b through e, respectively.]

* * * * *

[Revise the text of item d (as renumbered) to read as follows:]

Insurance coverage under 4.2a is provided for Priority Mail pieces mailed as Priority Mail Open and Distribute or Premium Forwarding Service.

* * * * *

505 Return Services

1.0 Business Reply Mail (BRM)

* * * * *

1.6 Additional Standards for Qualified Business Reply Mail (QBRM)

1.6.1 Description

* * * * *

[Revise the text of 1.6.1a, through 1.6.1e; to read as follows:]

a. Meets all the Business Reply Mail (BRM) standards in *1.3* through *1.8.*

b. Has postage and per piece charges deducted from a BRM advance deposit account.

c. Is a letter weighing 3.5 ounces or less or card that is prepared to meet the automation compatibility requirements in *201.3.0.*

d. Is authorized to mail at QBRM prices and fees under *1.6.2.* During the authorization process, a proper ZIP+4 code is assigned to the mailer (under *1.6.2*) for each QBRM to be returned under the system (one for card priced pieces and one for letter-size pieces weighing up to and including 3.5 ounces).

e. Bears the proper ZIP+4 code, assigned by USPS, in the address of each piece. The ZIP+4 codes assigned for this program must be used only on the organization's appropriate QBRM pieces.* * *

* * * * *

3.0 USPS Returns Service

3.1 Basic Standards

* * * * *

3.1.3 Postage and Prices

* * * * *

[Revise item c1 to read as follows:]

1. Insurance is available for USPS Returns service (see 503.4). Insurance is included with the postage for Priority Mail Return service (see 503.4.2). Insurance for First-Class Package Return service and Ground Return service, and additional insurance for Priority Mail Return service is available to the account holder for a fee on packages that have the applicable STC embedded into the IMpb on the authentic USPS label with valid postage, and for which the account holder has provided electronic data that supports the value of the merchandise (see 503.4.3.1a). Only the account holder of record may file a claim (see 609). Except for Priority Mail Return service, mailers mailing a USPS Returns service package may obtain insurance at their own expense at the time of mailing by presenting an authentic USPS Returns label with valid postage affixed to the package at a Post Office retail unit to obtain the service.

* * * * *

Notice 123 (Price List)

[Revise prices as applicable.]

* * * * *

Joshua J. Hofer,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2022–12594 Filed 6–10–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 270 and 271

[Docket No. FRA–2015–0122, Notice No. 2]

RIN 2130–AC54

Fatigue Risk Management Programs for Certain Passenger and Freight Railroads

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: Pursuant to the Rail Safety Improvement Act of 2008, FRA is issuing regulations requiring certain railroads to develop and implement a Fatigue Risk Management Program, as one component of the railroads' larger railroad safety risk reduction programs.

DATES: This final rule is effective July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Miriam Kloeppel, Staff Director, Audit Management Division, at 202–493–6224 or *miriam.kloeppel@dot.gov;* Amanda K. Emo, Ph.D., Engineering Psychologist, at 202–281–0695 or *amanda.emo@dot.gov;* or Colleen A. Brennan, Deputy Assistant Chief Counsel, at 202–493–6028 or *colleen.brennan@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Supplementary Information

I. Introduction and Executive Summary

A. Purpose of Rulemaking

This rule is part of FRA's efforts to improve rail safety continually and to

satisfy the statutory mandate of Section 103 of the Rail Safety Improvement Act of 2008 (RSIA).[1] That section, codified at 49 U.S.C. 20156, requires the development and implementation of safety risk reduction programs to improve the operational safety of: Class I railroads; railroad carriers with inadequate safety performance (ISP), as determined by the Secretary; and railroad carriers that provide intercity rail passenger or commuter rail passenger transportation. FRA addressed Section 20156's general ''risk reduction'' mandate in two rules: its Risk Reduction Program (RRP) rulemaking (for Class I and ISP railroads) and in its System Safety Program (SSP) rulemaking (for commuter and intercity passenger railroad carriers). Section 20156 further requires a railroad's safety risk reduction program to include a ''fatigue management plan'' meeting certain requirements. This rule fulfills the RSIA's mandate for railroads to include fatigue management plans in their safety risk reduction programs, by requiring railroads to develop and implement Fatigue Risk Management Programs (FRMPs) as part of their RRPs or SSPs.[2] A railroad implements its FRMP through an FRMP plan.

Consistent with the mandate of Section 20156, an FRMP is a comprehensive, system-oriented approach to safety in which a railroad determines its fatigue risk by identifying and analyzing applicable hazards and takes action to mitigate, if not eliminate, that fatigue risk.[3] Covered railroads are required to prepare a written FRMP plan and submit it to FRA for review and approval. Section 20156 requires covered railroads to consider the need to include in their plans elements addressing several factors that may influence employee fatigue, including scheduling practices and an employee's consecutive hours off-duty.[4] A railroad's written FRMP plan becomes part of its existing safety RRP or SSP plan. A railroad is also required to implement its FRA-approved FRMP plan, conduct an internal annual assessment of its FRMP, and, consistent with Section 20156's mandate, update its FRMP plan periodically. As part of a railroad safety risk reduction program, a railroad's FRMP is also subject to assessments by FRA.

The statutory mandate also requires a railroad to ''consult with, employ good faith, and use its best efforts'' to reach agreement with directly affected employees, including nonprofit employee labor organizations of such employees, on the contents of the plan.[5] FRA is aware that consultation on some RRP plans has not met the spirit of this statutory requirement. The intent of consultation is to engage with directly affected employees at all stages of plan development and program implementation. Ideally, railroads will look to their directly affected employees as partners throughout the process rather than as reviewers of a finished product. FRA expects consultation on FRMP plans will genuinely involve good faith and best efforts. FRA will separately provide further guidance on its expectations of the consultation process. In addition, the statute also provides that if a railroad and its directly affected employees, including labor organizations, are unable to reach consensus on a plan, the employees and labor organizations may file a statement explaining their views on the plan, and FRA shall consider those views during its review and approval of the plan.[6] FRA also notes that, as discussed in detail in the NPRM, the task forces of the Fatigue Working Group of the Railroad Safety Advisory Committee (RSAC), which included all industry stakeholders, extensively discussed methods of mitigation for the specific issues listed in the statute and developed documents that could be used in consultation discussions during the development of the FRMP plan. Those documents are included in the docket for this rulemaking.

For a more detailed discussion of the statutory and scientific foundation for this rulemaking, the process for identifying fatigue risks and developing the FRMP plan, and the regulatory process, including the RSAC working group, please see the Notice of Proposed Rulemaking.[7]

FRA recognizes that fatigue of railroad employees is a longstanding concern and challenge in the railroad industry. Accordingly, this rule is just one of several ongoing FRA efforts designed to address the adverse impacts and underlying causes of fatigue in the railroad industry. For example, FRA enforces the Federal Hours of Service (HOS) law under 49 U.S.C. chapter 211. These statutory requirements include maximum time on duty, minimum periods of uninterrupted rest, and cumulative limitations for train employees on consecutive on-duty days and hours in a calendar month. FRA takes seriously all violations of the HOS and closely monitors railroad compliance with statutory requirements, taking enforcement action under the statute as appropriate. FRA also recently conducted a survey of locomotive engineers and conductors to gain in-depth understanding of the factors that contribute to fatigue and the resulting impacts on safety. Survey questions

[1] Section 103, Public Law 110–432, Division A, 122 Stat. 4848 *et seq.*

[2] Section 20156 uses the term ''fatigue management plans'' so sections of this preamble discussing the statutory requirements likewise use this term, as do the sections discussing the Railroad Safety Advisory Committee task statement on fatigue and the Fatigue Working Group. However, because section 20156 requires fatigue to be addressed as part of a railroad's safety risk reduction program, for consistency with the terminology used in FRA's final rules governing those programs (81 FR 53849 (Aug. 12, 2016), 85 FR 12826 (Mar. 4, 2020) and 85 FR 9262 (Feb. 18, 2020)), elsewhere throughout this proposed rule, FRA uses the terms ''fatigue risk management program'' (FRMP) and ''FRMP plan.'' Notably, the RSAC recommended FRA use the term ''fatigue risk management program'' in its regulations (as opposed to the term ''fatigue management plan'' used in Section 20156), because it concluded that the term was broader and more appropriately encompassed the intent of the statutory mandate—*i.e.,* to manage both the causes of and the risks related to fatigue).

[3] Risk is defined as a combination of the probability of an adverse event occurring and the potential severity of that adverse event. Fatigue increases the likelihood of certain negative events occurring. Therefore, reducing fatigue helps reduce fatigue-related risks. *See* United States Department of Transportation, *Partnering in Safety: Managing Fatigue: A Significant Problem Affecting Safety, Security, and Productivity,* 1999.

[4] Section 20156 requires railroads to consider including the following elements in their plans: (1) employee education and training on the physiological and human factors that affect fatigue, as well as strategies to reduce or mitigate the effects of fatigue, based on the most current scientific and medical research and literature; (2) opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders; (3) effects on employee fatigue of an employee's short-term or sustained response to emergency situations, such as derailments and natural disasters, or engagement in other intensive working conditions; (4) scheduling practices for employees, including innovative scheduling practices, on-duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling that would reduce employee fatigue and cumulative sleep loss; (5) Methods to minimize accidents and incidents that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythm; (6) alertness strategies, such as policies on napping, to address acute drowsiness and fatigue while an employee is on duty; (7) opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier; (8) the increase of the number of consecutive hours of off-duty rest, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents; (9) avoidance of abrupt changes in rest cycles for employees; and (10) additional elements that the Secretary considers appropriate. 49 U.S.C. 20156(f)(3).

[5] 49 U.S.C. 20156(g).

[6] 49 U.S.C. 20156(g)(2).

[7] 85 FR 83484 (Dec 22, 2020), available at *https://www.federalregister.gov/documents/2020/12/22/2020-27085/fatigue-risk-management-programs-for-certain-passenger-and-freight-railroads.*

addressed potential contributing factors to fatigue, such as work schedules, commute times, and work/life balance. FRA will use the survey results to identify research needs related to fatigue. The survey's descriptive data will also help FRA facilitate mutually beneficial solutions between railroad workers and management. Further, FRA investigates rail accidents and injuries to determine root causes and make recommendations to prevent further occurrences. For accidents suspected of being human-factor caused, FRA routinely performs fatigue analyses using tools such as the Fatigue Audit InterDyne (FAID) program. The FAID program is an analytical tool, used to identify, quantify and predict the likelihood of fatigue exposure associated with different work hours. In addition to this type of scientific analysis in the conduct of FRA's accident and incident investigations, as appropriate, FRA has revised its accident and incident investigation procedures to collect and analyze information related to the involved railroads' attendance policies and train lineup procedures as appropriate.

B. Summary of Benefits and Costs

FRA estimated the benefits and costs of this rule using discount rates of 3 and 7 percent over a ten-year time horizon. FRA presents monetized benefits and costs where possible and discusses those non-quantifiable elements qualitatively where data is lacking. Details on the estimated benefits and costs of this proposed rule can be found in the rule's economic analysis, which has been included in the docket.

In preparing the economic analysis, FRA estimated the total benefits and costs over 10 years for the implementation of an FRMP and the fatigue training mitigation for Class I railroads and the 50 ISP railroads subject to this proposed regulation (*i.e.,* covered railroads). FRA was unable to quantify benefits or costs for passenger railroads and discusses the implementation of the regulation qualitatively within the Regulatory Evaluation.

FRA also estimated the total costs over 10 years to develop and monitor FRMP plans for the covered railroads. The regulation will also impose a new economic cost on the agency over the 10-year period, to review and audit the FRMPs.

Please see Table I.B for the total benefits and costs associated with the rule.

TABLE I.B—10-YEAR BENEFITS AND COSTS—TRAINING ONLY MITIGATION

[2018 Dollars, in millions]

Calculation aid	Costs	Present value 7%	Present value 3%	Annualized at 7%	Annualized at 3%
A	Training Only (low)	$2.02	$2.04	$0.29	$0.24
B	Training Only (high)	4.13	4.18	0.59	0.49
C	FRMP Plan Creation	0.89	1.04	0.13	0.12
D	Government Costs	2.03	2.59	0.29	0.30
A+C+D	Total Cost (low)	4.94	5.68	0.70	0.67
B+C+D	Total Cost (high)	7.05	7.81	1.00	0.92
A+C	Total Cost w/o Government Costs (low)	2.91	3.08	0.41	0.36
B+C	Total Cost w/o Government Costs (high)	5.01	5.22	0.71	0.61
	Benefits:				
	Training Only (low)	5.41	6.33	0.77	0.74
	Training Only (high)	21.65	25.34	3.08	2.97

II. Response to Public Comments

FRA received 15 comments on the proposed rule, including comments from organizations representing railroad labor and management, experts in fatigue science, and other individual commenters.

A. Comments Pertaining to Particular Fatigue Management Strategies

Many commenters offered specific strategies for compliance with the rule that they believed should be required components of an FRMP, including medical recommendations, alterations to current scheduling practices, topics upon which to train, and many other possible fatigue mitigations. These comments are valuable and demonstrate the breadth of potential ways for railroads to comply. However, mandating any one of these strategies as a requirement of the final rule would contradict RSIA's directive that FRMPs be individually tailored to a railroad's unique operating circumstances and may not effectively reduce the fatigue of the railroad's employees or reduce the probability of fatigue-related accidents and incidents. Therefore, FRA declines to adopt the suggested strategies as a requirement of the final rule.

The RSIA, in 49 U.S.C. 20156, requires a railroad, who must develop an FRMP, to tailor its program to its unique operating characteristics. Indeed, the railroad must take into account the varying circumstances of operations by the railroad on different parts of its system and prescribe the appropriate fatigue countermeasures to address its varying circumstances.[8] Accordingly, 49 U.S.C. 20156 does not require a railroad's FRMP to adopt any particular strategy or fatigue mitigation, but rather requires railroads to consider whether to include a variety of elements, as noted above. Ultimately railroads must design and implement their FRMPs to effectively reduce the fatigue experienced by their employees and to reduce the probability of fatigue-related accidents and incidents.[9]

Dr. Thomas Raslear and the Institutes for Behavior Resources (IBR) both commented that biomathematical models of fatigue and human performance are essential to monitor and manage fatigue and risk from fatigue, as a part of building an FRMP. While such models provide valuable information regarding fatigue caused by employees' work schedules, and the effectiveness of any work schedule mitigations intended to reduce fatigue, they are not so vital to fatigue management that a railroad could not create an effective FRMP without using them. Indeed, biomathematical models of fatigue and human performance are valuable tools for quantifying fatigue to create a regulatory threshold, as in the regulatory structure of the hours of service regulations for passenger train

[8] 49 U.S.C. 20156(f)(2).

[9] *See* 49 U.S.C. 20156(f)(3) (specifying elements railroads must consider the need to address in an FRMP).

employees, 49 CFR part 228 subpart F. However, fatigue risk analysis does not require such a threshold to be effective. While some railroads may find it valuable to model schedules, other railroads may not identify fatigue risks that can be quantified by analysis of their employees' work schedules. In addition, many railroad operations are unscheduled, and therefore are impossible to model prospectively. Ultimately, these recommendations to require the analysis of fatigue using biomathematical models are requirements that FRA declines to adopt. Similarly, FRA declines to require biomathematical modeling as a universal evaluation process; while FRA believes that biomathematical models of fatigue and human performance provide valuable quantitative methods of evaluating the success of an FRMP, they are not useful for all situations.

IBR also expresses concern that railroads will not keep sufficient records to allow for effective enforcement of the rule, because there is not a specific recordkeeping requirement. However, it would be impossible for FRA to pre-emptively list what records would be necessary to prove that each railroad is in compliance with its particular plan. Railroads have a statutory obligation to create and implement FRMPs, and it is in the railroads' interests to keep the records necessary for FRA to ascertain whether a railroad is complying with its FRMP plan, even without a specific requirement that they keep any particular records.

NTSB was supportive of the NPRM, but suggested FRA should require railroads to employ personnel trained to make fatigue determinations, especially since not all railroads will use biomathematical models to make those determinations, and that FRA should require railroads to collect and evaluate all employee medical information necessary to make an assessment for medical conditions or medications that cause fatigue. Railroads are required to develop and implement an FRMP tailored to their particular circumstances, and FRA will not require specific personnel decisions or the gathering or evaluation of particular information that may not be appropriate for every situation. In addition, FRA could provide assistance to railroads that need help with modeling schedules, such as short line railroads.

The Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART–TD) and individual commenters also discuss railroad scheduling practices; these scheduling practices may be addressed in a railroad's FRMP plan, but it is contrary to the structure and aim of this rulemaking to mandate any particular scheduling practice.

Similarly, it is outside the scope of the rule to prohibit, as BLET and SMART suggest, inward-facing cameras that may be a hindrance to employees who wish to nap while on duty, even if railroad policies permit it. In addition, policies that would permit napping in certain circumstances are a strategy a railroad could, in consultation with its employees, choose to implement to mitigate fatigue, but FRA does not require or prohibit such policies.

B. Comments Pertaining to Employee Involvement

BLET and SMART–TD filed a joint comment discussing the employee consultation portion of the statutory mandate and the present rulemaking. Several individual commenters also discussed the consultation requirement. This consultation is mandated by Congress in the RSIA (49 U.S.C. 20156(g)). BLET and SMART–TD raise the issue of collective bargaining agreements, asserting that, from their experience in the collective bargaining arena, railroads are not willing to negotiate on attendance policies or other fatigue-related matters. However, as FRA has stated in the past, interpreting existing collective bargaining agreements, and engaging in their negotiation, is outside of the agency's power. Collective bargaining is an activity separate and apart from the consultation requirements of 49 U.S.C. 20156(g) (''Consensus''). The statutory mandate requires a railroad to ''consult with, employ good faith, and use its best efforts'' to reach agreement with directly affected employees, including nonprofit employee labor organizations of such employees, on the contents of the plan; the SSP and RRP regulations require approved plans to have a process for consultation for subsequent amendments, including the amendment of those plans to add the FRMP plan. Because compliance with crafting and implementing an FRMP entails periodic review and reassessment of the contents of the plan, the consultation obligation applies to implementation of the plans as well. This consultation obligation is not a part of collective bargaining agreements and exists outside of that structure. Non-profit employee labor organizations are entitled by statute to provide input into the FRMP plan, and they also have a right to submit a statement to FRA when FRA considers the first plan and subsequent plan amendments.

BLET and SMART–TD ask if the rule permits them to file comments on updated plans with changes the railroad indicates to be non-substantive, where FRA approval is not required. FRA welcomes comment whenever there is an issue of railroad safety. An employee, group of employees, or union organization, etc., is free to comment on an FRMP update submission that they contend is, in fact, substantive, and such a filing could cause FRA to determine that substantive changes exist and the amended FRMP plan is subject to FRA review and approval.

C. Comments Pertaining to the Regulatory Timeline

Several commenters expressed concern with railroads' ability to comply with the time prescribed for both developing and implementing FRMP plans and programs. Some comments exhibited confusion about when elements of the regulation become effective. In the proposed rule, FRA prescribed that FRMP plans would be required to be submitted for review and approval no later than either six months after the effective date of the final rule, or the applicable timeline for filing of the railroad's SSP plan or RRP plan. Many commenters, including the Association of American Railroads (AAR) and the American Short Line Regional Railroad Association (ASLRRA) in their joint comment, and the American Public Transportation Association (APTA), commented that six months was an insufficient amount of time to prepare FRMP plans.

AAR and ASLRRA assert that six months from the effective date of the rule is insufficient time to comply, estimating that it will take thousands of hours for railroads to formulate their fatigue risk management plans. However, these estimates lacked detail indicating how they were derived or an evidentiary basis for their adoption. AAR and ASLRRA note how much effort railroads have already exerted to manage risk from fatigue; FRA accounts for that effort in arriving at its estimate of how long it will take railroads to create compliant FRMP plans. The estimate of costs is the marginal cost imposed by the existence of the rule. Because many railroads are already working to address risk from fatigue, it will not take long to formalize those efforts into a discrete plan. The commenters' extreme estimates of time required to create FRMP plans are not consistent with FRA's understanding of how FRMP plans fit into the structure of system safety plans and risk

reduction plans. FRA delayed promulgation of this rule to complete the SSP and RRP rulemakings, as the agency views fatigue risk management plans as a component of system safety plans and risk reduction plans, rather than an entirely separate effort that might require something closer to the labor estimated by these commenters. As a routine part of estimating the benefits and costs of rulemakings, FRA assumes that entities required to comply with a rule will employ an efficient method. As an example, APTA notes that its members have taken fatigue mitigation efforts prior to this rule, including compliance with the substantive regulations for train employee hours of service in 49 CFR part 228 subpart F. Passenger railroad operations can use existing programs and modeling performed for compliance with that prior regulation as a starting point for development of an FRMP plan, though compliance with the passenger train employee hours of service regulation does not cover all employees required to be covered by the statutory mandate for FRMP plans. Further, the formulation of an FRMP plan does not require a different plan for each craft of employee service the plan addresses. While different crafts may have different norms as to work schedules, fatigue risk analysis is predicated on fatigue having the same base biological effects on employees, regardless of what form their work takes, such that the planning is not expected to wildly differ between crafts. Instead, FRA anticipates that many entities will create a master FRMP plan, that includes minor modifications to account for differences in crafts, to reflect the specific ways in which those crafts differ. The description of processes and procedures (*i.e.,* the plan) could be the same across crafts, but with different hazards and mitigations (*i.e.,* the program). Railroads subject to this rule are familiar with safety management systems through their work to comply with the SSP and RRP rules, and FRA performs outreach to smaller entities to help them comply with the SSP, RRP, and FRMP rules. Further, with respect to training mitigations, there is a significant amount of material railroads could draw from, including FRA resources such as the Railroaders' Guide to Healthy Sleep.[10]

In an effort to reduce regulatory burden and simplify the rule, the final rule requires that FRMP plans shall be filed within a year of the effective date of this rule, July 13, 2023. The rule also provides that railroads, who are not presently required to submit an SSP or RRP but become required to do so in the future, are required to submit an FRMP plan as a component of their respective SSP plan or RRP plan in accordance with the timelines for SSP plans and RRP plans respectively. Before a railroad is required to begin implementing the FRMP plan, it must first be reviewed and approved by FRA. The three-year implementation period does not begin until the date of FRA approval of the plan, at which point it becomes a component of the applicable SSP plan or RRP plan, with implementation of the plan required within the three years prescribed by the rule. FRA has also removed the provisions in the proposed rule (proposed §§ 270.409(e) and 271.609(e), that would have required the amended SSP plan or RRP plan be resubmitted after FRA has approved the addition of the FRMP plan; FRA approval of the FRMP plan amends the respective SSP plan or RRP plan without the need for an additional filing.

In addition, APTA further commented that FRA's review and approval timeline is excessive and will add to the costs of the rule and suggests that a plan be passively approved by FRA if the agency has not rejected it within 30 days. However, the timelines set in the rule for FRA approval are consistent with the timelines for system safety and risk reduction plans, and FRA's experience with reviewing and approving those plans gives the agency confidence that it can handle the receipt, review, and approval of compliant FRMP plans with the same efficiency.

The aim of the rule is for FRA, railroads, and labor organizations to work collaboratively over time to reduce the risk from fatigue in the rail industry through cycles of plan development, review, approval, and implementation. For this reason, FRA also is not adopting APTA's suggestion that only ''substantive'' changes to the FRMP plan need be submitted to FRA. To determine if railroads are complying with their FRMP plans, FRA must necessarily have the complete FRMP plans in their current forms. In the SSP and RRP rules, FRA spoke very clearly regarding the narrow set of amendments that do not require FRA approval: ''adding or changing a name, title, address, or telephone number of a person.'' [11] All other amendments must follow the approval process.

D. Comments Pertaining to the Contents of FRMP Plans

In its comment, APTA characterizes FRA's discussion in the NPRM of signs and symptoms of fatigue as a requirement to monitor these signs and symptoms on all employees at all times. The rule does not do so. Rather, FRA explains the work product of the Education and Training Task Force of the Railroad Safety Advisory Committee to include, as a basic element of a fatigue training and education, a review of the signs and symptoms of fatigue as a human biological factor, as naturally follows from the definition of fatigue.

Dr. Raslear similarly expresses concern that FRA has not been sufficiently clear as to what constitutes a fatigue-related safety hazard. However, the lack of specificity is due to the nature of the individualized fatigue risk analysis each railroad must complete. The fatigue-related safety hazards will vary from railroad to railroad, as they are closely related to the specifics of operations. In crafting this rule, FRA is looking at fatigue holistically, and it would be contrary to that effort to craft a prescriptive list of fatigue-related safety hazards. Any list FRA could create would create a false sense of exclusivity, while likely missing hazards and becoming outdated as railroad practices change. Railroads might then only look at the elements on the list, regardless of the actual fatigue-related safety hazards in their operations. By not imposing this degree of specificity, each railroad will be able to address the fatigue hazards in its operations in a way that will give the railroad the flexibility to meaningfully reduce the most critical fatigue risks in its operations.

APTA also interprets FRA's definition of fatigue ''as primarily related to mental fatigue as opposed to physical fatigue.'' This is not the case, as the definition specifically includes physical factors and encompasses fatigue generally, without differentiating between ''mental'' and ''physical'' fatigue.

APTA also asserts that the FRA estimates of the costs of creating and maintaining FRMP plans does not include the cost of establishing a fatigue committee or consultation with employees. However, there is not a requirement for a standing committee for this rule; the rule is intended to fit

[10] *https://railroadersleep.fra.dot.gov/.* Originally launched in 2012, the Railroaders' Guide to Healthy Sleep website is a non-regulatory, educational resource. Designed for railroads and their support networks, the website provides scientifically valid information about the importance of sleep, tools to monitor and self-assess risks for sleep disorders, and practical strategies for improving sleep health.

[11] 49 CFR 270.201(c)(1)(ii). *See also* 49 CFR 271.303(a)(1).

within the structure created by the SSP and RRP rulemakings, so as to minimize compliance costs.

BLET and SMART–TD express concern over the quality of training provided under FRMP plans. BLET and SMART–TD are concerned that lackluster training will impede the ability of FRMPs to achieve results. FRA notes that training and education can (and is expected to) vary among railroads and even within railroads, between different crafts, based on differences in operations. These variations will allow each railroad to create training and education information that is targeted to its employees, or a specific subset of employees, and deploy that information in a manner that is best received by the target audience. FRA will review and approve plans based on their merit and will audit programs to ensure efficacy. Different forms of education may be more or less effective in different situations. A pamphlet may be an invaluable quick reference in certain situations, just as an all-day, in-person, classroom training session may or may not communicate useful information. FRA also notes that the type of training is expected to be tailored to the nature of the railroads creating the FRMP plans (*e.g.,* the size of the railroad; the nature and scope of its operations; the nature and extent of fatigue risks; etc.) and consequently result in different plans and different training.

E. Other Comments

AAR and ASLRRA assert that FRMP plans should not consider contractors, arguing that to do so would go beyond Congressional intent. However, the statute makes clear that contractors should be included. In defining the set of employees included within FRMP plans, Congress first points to chapter 211 of United States Code Title 49. That chapter, defining the statutory requirements for hours of service of some ''employees,'' explicitly includes contractors. Further, in the RSIA, Congress amended the definition of a signal employee in that chapter to ensure that contractors were included. To allow railroads to exclude such employees from their FRMPs would defy explicit Congressional action. Consequently, under the ''whole statute'' canon of interpretation,[12] the RSIA requirement for FRMPs must be construed to be harmonious with this concurrent legislative change to the hours of service laws. It would make little sense for Congress to address the fatigue experienced by employees of contractors and subcontractors, by including such contractors within the hours of service laws, and yet simultaneously exclude employees of contractors and subcontractors from the mandate to create railroad fatigue risk management plans. Accordingly, FRA concludes that the statute requires contractors and subcontractors to be included within the scope of a railroad's FRMP.

APTA requests that the information protections that were a key element of SSP plans and RRP plans also apply to FRMP plans. Because the data protections are already in force for SSP plans and RRP plans, and because FRMP plans are a Congressionally-mandated element of those plans, the data protections applicable to those two rules are already in force upon the effective date of this rule for the purpose of development and implementation of FRMP plans.

Several commenters discuss the rule in relation to crew size. However, those comments are outside the scope of this rulemaking and are not discussed here.

Several commenters suggested diagnostic methods for determining if affected employees have fatigue disorders that may require mitigation. While those comments may be useful to railroads who create the plans, this rule does not require the use of any particular diagnostic methods.

One commenter requests that FRA regulate the electrical sockets of lodging facilities for affected employees, so that employees are guaranteed to be able to power medical equipment necessary for some sleep disorders. FRA lacks the authority to regulate lodging facilities, except where the railroad is directly operating the lodging. However, these issues may be addressed with the railroad during the consultation process for the FRMP plan, and, if the plan includes a dispute resolution process for lodging issues [13] employees could utilize that process if issues arise that prevent an employee getting sufficient rest.

One commenter notes that studies from the trucking industry may be a helpful resource. While, as FRA noted above, fatigue risk analysis is predicated on fatigue having the same base biological effects on employees, FRA also notes that the hours of service regime for the trucking industry is very different than that of the railroad industry.

An individual commenter explains his experience with work policies requiring employees to work 27 of 30 days per month. The Congressional mandate for FRMP plans dictates that covered railroads ''consider the need to'' address employee scheduling practices.[14] Accordingly, FRA would expect that a railroad with a scheduling practice requiring employees to work with only three days off per month would address that practice in its FRMP and indicate how the railroad is addressing the fatigue risks identified with such a schedule.

The American Academy of Sleep Medicine draws attention to its conclusion that work shifts poorly aligned to circadian rhythms of employees pose potential fatigue risks. Such potential risks are among the factors a railroad may likely need to consider when considering scheduling in general as part of FRMP development and implementation.

BLET and SMART–TD request an amendment to the rule to require reconsideration of a railroad's FRMP plan and its implementation, after any fatigue-related accident or injury. While a particular accident or incident may be cause for FRA to review a plan and its implementation, reviewing the plan after each accident or incident runs the risk of undermining the wider hazard analysis. Reviewing the FRMP plan after every accident or incident would be a piece-meal analysis, and it would move away from the comprehensive systems approach to improving safety at the heart of this rule. However, when investigating any fatigue-related accident, FRA will consider the railroad's compliance with its FRMP. Additionally, FRA always has the right to reopen and reconsider its approval of an FRMP, as it does any other FRA approvals, in light of information related to rail safety not previously considered.

Several commenters discussed ''precision scheduled railroading.'' FRA understands that many in the railroad industry use this term for varied and different scheduling practices. Such practices may be addressed in railroads' FRMP plans, subject to the process for such plans, which includes both employee consultation and FRA review and approval. FRA's understanding of precision scheduled railroading is that railroads claim it optimizes railroad operations for scheduled movement of trains. Such a system must include limitations such as the hours of service laws, but it could create fatigue-related safety hazards, and railroads are required to consider their scheduling practices as part of the creation of FRMP plans.

[12] Sutherland Statutory Construction section 46:5.

[13] For more discussion, see Section III of the NPRM, 85 FR 83484 at 83487.

[14] 49 U.S.C. 20156(f)(3)(D).

Dr. Raslear suggests that, as a part of FRA enforcement of the rule, the agency should periodically analyze a sample of railroad schedules using a biomathematical model of fatigue and human performance, to quantify the status of fatigue in the railroad industry, and accordingly, require railroads to provide FRA with schedules to perform such analysis. The statute and this regulation permit FRA to analyze railroad schedules using a biomathematical model, and FRA will conduct such analyses as appropriate.

The statute requires FRA to annually review compliance with FRMP plans. To this end, FRA requires railroads to annually make an internal assessment of the FRMP, and FRA reviews these assessments. In addition, FRA possesses authority to audit programs for compliance in connection with its enforcement authority. As a part of its oversight, FRA may run railroad schedules through a biomathematical model of fatigue and performance. Moreover, FRA declines to limit the scope of evaluation to a particular moment in time. Rather, FRA expects railroads to look at trends as a part of the required periodic safety assessments.

III. Section-by-Section Analysis

FRA amends 49 CFR part 270 (SSP) by adding a new subpart E, and 49 CFR part 271 (RRP) by adding new subpart G. Each of these new subparts are titled ''Fatigue Risk Management Programs;'' are substantively identical; and set forth the requirements for railroads to develop and implement FRMPs as part of their SSPs or RRPs. FRA also amends: § 270.103(a)(1) to ensure a railroad's SSP plan includes subpart E, by replacing the word ''section'' with the word ''part''; § 271.101(a) by adding an FRMP to the list of required elements of an RRP; and § 271.201, to include an FRMP plan as a required component of an RRP plan. FRA received no comments on its proposed revisions to §§ 270.103, 270.101, and 271.201, and is therefore adopting these revisions as proposed.

The new subparts require each railroad, subject to part 270 or part 271 (covered railroads), to establish and implement an FRMP that is supported by an FRA-approved written FRMP plan, as a component of a railroad's SSP or RRP. This rule also requires covered railroads to review their FRMP annually, and if necessary, make FRA-approved updates to their plans after consultation with affected employees. FRA is promulgating this rule in its effort to improve rail safety continually and to satisfy the statutory mandate in 49 U.S.C. 20156.

Sections 270.401 and 271.601—Definitions

Sections 270.401 and 271.601 contain definitions for terms used in this rule. The sections include definitions for the terms: contributing factor, fatigue, fatigue-risk analysis, FRMP, FRMP plan, and safety-related railroad employee. The definitions are intended to clarify the meaning of important terms used in this rule and to minimize potential misinterpretation of the regulations. FRA received comments only on the definition of fatigue, as discussed in Section II, Response to Comments, above. FRA has not revised any of its proposed definitions in response to comments and is adopting the definitions as proposed.

Sections 270.403 and 271.603—Purpose and Scope of an FRMP

Sections 270.403 and 271.603 explain the purpose and scope of the rule. FRA received no comments on this section, and adopts it as proposed.

Sections 270.405 and 271.605—General Requirements; Procedure

These sections set forth the rule's general requirements. FRA received no comments related to these sections, and therefore adopts paragraphs (a) and (b) as proposed, and revises paragraphs (c) and (d) as described below.

Paragraphs (c) of these sections require railroads to submit their FRMP plans to FRA for approval either within one year of effective date of a final rule in this proceeding or within the applicable existing timelines in parts 270 and 271 for filing SSP or RRP plans, whichever is later. These paragraphs would also require railroads to follow the existing processes in parts 270 and 271 for submitting updates of their FRMP plans to FRA for approval. As discussed above, FRA revised this timeline in response to comments suggesting railroads needed additional time.

Paragraph (d) requires FRA to approve or disapprove railroads' FRMP plans (and any updates) under the existing approval processes in parts 270 and 271 applicable to FRA approval of railroad SSP plans and RRP plans. Unlike the proposed rule, which included a separate requirement to resubmit the SSP plan or RRP plan, including the FRMP plan as a component, the final rule construes the filing and approval of an FRMP plan to be a process by which the applicable SSP plan or RRP plan is amended to incorporate the FRMP plan as a component. This eliminates the need for railroads, having received FRA approval for the FRMP plan, to then submit their SSP plan or RRP plan for FRA to review the incorporation of the FRMP plan. Instead, the SSP plan or RRP plan is amended to include the FRMP plan upon FRA approval of the FRMP plan.

Sections 270.407 and 271.607—Requirements for an FRMP

Sections 270.407 and 271.607 set forth the requirements for railroads' FRMPs. FRA received comments on the requirements for an FRMP, as discussed in the Response to Comments in Section II above, but has not revised the text of these sections based on those comments, and adopts these sections as proposed.

Sections 270.409 and 271.609—Requirements for an FRMP Plan

Sections 270.409 and 271.609 require a railroad to adopt and implement its FRMP through an FRMP plan that meets certain requirements. FRA received comments on various aspects of the FRMP plan, as discussed in the Response to Comments in Section II above. FRA has not revised the text of paragraphs (a) through (d) of §§ 270.409 and 271.609, and therefore adopts them as proposed.

Paragraph (e) of §§ 270.409 and 271.609, as proposed, would have required that a railroad submit its FRMP plan to FRA by amending its SSP plan or RRP plan. However, FRA approval of an FRMP plan amends the railroads' SSP plan or RRP plan to incorporate the FRMP plan as a component. FRA has therefore eliminated the duplicative requirement on railroads to submit the SSP plan or RRP plan amended solely to include the FRA-approved FRMP plan. Accordingly, proposed paragraph (e) has been removed.

IV. Regulatory Impact and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rule is a non-significant regulatory action within the meaning of Executive Order 12866 (E.O. 12866) and DOT Order 2100.6A Rulemaking and Guidance Procedures.

FRA has prepared and placed a Regulatory Evaluation addressing the economic impact of this rule in the docket (Docket No. FRA–2015–0122). The Regulatory Evaluation contains estimates of the benefits and costs of this rule that are likely to be incurred over a ten-year period. FRA estimated the benefits and costs of this rule using discount rates of 3 and 7 percent. FRA was unable to quantify the benefits and

costs for all the elements within the regulation for both passenger and freight railroads. FRA presents monetized benefits and costs where possible and discusses those non-quantified elements qualitatively where data was lacking.

Section 103 of the RSIA mandates that FRA (as delegated by the Secretary) require certain railroads to establish a railroad safety risk reduction program, of which an FRMP is a required component. This rule is part of FRA's efforts to improve rail safety continually and to satisfy the statutory mandate in the RSIA.

The Regulatory Evaluation analyzes two mitigation strategies to quantify potential benefits and costs that railroads may achieve through the regulation: (1) training and (2) screening for sleep conditions. However, there is a high amount of uncertainty in FRA's benefit and cost estimates because the RSIA and this regulation gives railroads the flexibility to select the mitigation strategies most appropriate for their operations and identified risks.

The benefits and costs [15] associated with the rule are presented in Table VII–1 below:

TABLE VII–1—SUMMARY OF TOTAL 10-YEAR IMPACT (2018 DOLLARS)

[In millions]

Calculation aid	Costs	Present value 7%	Present value 3%	Annualized at 7%	Annualized at 3%
A	Training Only (low)	$2.02	$2.04	$0.29	$0.24
B	Training Only (high)	4.13	4.18	0.59	0.49
C	FRMP Plan Creation	0.89	1.04	0.13	0.12
D	Government Costs	2.03	2.59	0.29	0.30
A+C+D	Total Cost (low)	4.94	5.68	0.70	0.67
B+C+D	Total Cost (high)	7.05	7.81	1.00	0.92
A+C	Total Cost w/o Government Costs (low).	2.91	3.08	0.41	0.36
B+C	Total Cost w/o Government Costs (high).	5.01	5.22	0.71	0.61
	Benefits.				
	Training Only (low)	5.41	6.33	0.77	0.74
	Training Only (high)	21.65	25.34	3.08	2.97

In comparison to the NPRM, the final rule provides the railroads additional time to submit FRMP plans to FRA. A railroad's plan submission may still occur in the same year as before the time extension, but pushed out later in the same year, or it may occur in the following year during the ten-year period of analysis. The costs will decrease slightly because of this flexibility, but the overall cost estimate remains primarily the same as in the NPRM. The final rule also clarifies that a railroad's approved SSP plan or RRP plan does not need to be resubmitted to FRA when amended with the FRA-approved FRMP plan. The NPRM regulatory analysis assumed only one submission and therefore is unchanged.

FRA's analysis shows there are many factors that are difficult to quantify both for passenger and freight railroads. Where possible, FRA's Regulatory Evaluation estimates benefits and costs for each element within the regulation. Given current railroad business and operational practices, this analysis demonstrates the fatigue training element, is an element that all railroads will most likely implement. FRA also believes the napping mitigation presented within the Regulatory Evaluation's alternative analysis would be cost beneficial in certain instances. In an effort to not overestimate the benefits associated with the regulation, FRA does not present the findings regarding napping in the main analysis of the Regulatory Evaluation. FRA believes that there could be significant reduction in fatigue with the implementation of a napping mitigation, based on various supporting studies, and the fact that Class I railroads under the General Code of Operating Rules (GCOR) already have policies supporting napping.

FRA requested comments on the methods and inputs used in the Regulatory Evaluation. While comments relevant to the economic analysis are discussed briefly here, please see Section II of the preamble, above, for a fuller discussion of the comments received. Many commenters said the cost of mitigations for compliance with the rule would be high. As rational actors, railroads are expected to choose mitigations most appropriate for their operations and employees. FRA reiterates that railroads are not required to implement any particular mitigation, except training as a prerequisite requirement. The railroads also asserted in their comments that developing FRMP plans is more burdensome than FRA's estimate. Similar to choosing mitigations, FRA assumes railroads will use efficient means to comply with the regulation. For example, existing work done by the railroads can count toward mitigations in a railroad's FRMP. FRA further suggests that railroads may formulate a master FRMP plan that includes minor modifications to account for variations in different crafts of employees. With regard to administrative costs, APTA was concerned about the time that FRA's review might take, adding to costs, and suggested FRA passively approve plans not approved in a timely manner. FRA notes the timelines in this final rule follow the timelines in the SSP and RRP rules. Overall, the aim is for a process of continuous improvement in safety. The labor organizations also commented that Congress does not perform benefit-cost analysis and to not let unquantifiable benefits undermine the FRMP rulemaking. FRA responds that it is bound by executive orders and Departmental guidance to perform benefit-cost analysis. FRA presents its analysis for stakeholders, and identifies quantitative and qualitative factors, along with noting where information is uncertain or unavailable, for transparency.

B. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (RFA) of 1980 allows the Secretary of Transportation to certify a rule if that rule will not have a significant

[15] Unless otherwise noted, benefits and costs are presented in 2018 dollars.

economic impact on a substantial number of small entities. FRA published an Initial Regulatory Flexibility Assessment (IRFA) to aid the public in commenting on the potential small business impacts of the proposed FRMP NPRM requirements. AAR and ASLRRA jointly submitted comments to the NPRM. In particular, AAR and ASLRRA said that short line railroads may lack resources for fatigue plans, and to manage contractor groups. With regard to resources, FRA has granted additional time for all railroads to submit plans to FRA. Also, smaller railroads are likely to have simpler operations than Class I railroads, and therefore their plans will likely be less complex. That is, smaller railroads' operations involve less equipment and fewer employees. In addition, FRA provides outreach and assistance for small railroads. Regarding contractors, FRA has included contractors in FRMP plans, as it would be illogical for Congress to include them in hours of service laws, but not in fatigue planning. Please refer to the preamble comment discussion, in Section II, above, for a more detailed discussion of these comments.

This rule requires an ISP railroad to develop and implement an FRMP under an RRP plan that FRA has reviewed and approved. (This analysis uses the same cohort of ISP railroads as the RRP final rule.) Since railroads have the flexibility to adjust their FRMPs to their specific risks, FRA expects the economic impact on small entities to be proportional to the number of employees, as well as the mitigation strategies implemented.

For the purposes of this analysis, the 704 Class III freight railroads [16] that operate on the general rail system are considered small entities and could potentially be impacted by this final rule.[17] The final rule estimates that 50 ISP railroads will be identified over the ten-year period. FRA can identify Class II or Class III railroads as ISP. If all railroads identified as ISP are Class IIIs, only 7 percent of the 704 Class III railroads would be affected by the final rule.

The ASLRRA reports the average Class III railroad has annual revenues of 4.75 million and 22 railroad employees. To measure the economic impact on an individual Class III ISP railroad, FRA compared the average Class III revenue [18] to the final rule's cost. FRA used the requirements of the final rule to estimate the ISP railroad compliance costs. While ISP railroad program consulting costs are the same for ISP railroads regardless of size, the costs to develop, implement, and update ISP railroad plans, and to provide employee training, vary from low to high depending on whether firms employ below or above the Class III railroad industry average. The average annual cost of ISP railroad compliance is provided below in Table 1.

TABLE 1—ISP RAILROAD ANNUALIZED COST BY FIRM SIZE

Year	Total ISP costs per firm discounted at 7% rate				
	All ISP firms	Low		High	
	FRMP plan *	Develop training program	Employee training	Develop training program	Employee training
1	$11	$3,031	$7,241	$12,124	$14,481
2	634	2,833	6,767	11,331	13,534
3	951	2,647	6,324	10,590	12,648
4	1,178	2,474	5,911	9,897	11,821
5	1,359	2,312	5,524	9,249	11,048
6	1,541	2,161	5,162	8,644	10,325
7	1,722	2,020	4,825	8,079	9,649
8	1,904	1,888	4,509	7,550	9,018
9	2,085	1,764	4,214	7,056	8,428
10	2,267	1,649	3,938	6,595	7,877
Total	13,651	22,779	54,415	91,115	108,829
Annualized 7% rate	1,944	3,243	7,747	12,973	15,495
Annual Total Cost per Firm		Low	12,934	High	30,411

Annual Average ISP Cost = 22,000 (average of Low and High).

* Includes preliminary meeting and notification to labor organizations, preparation of an FRMP plan, further consultation, and amendments that might occur.

The Class III (ISP) railroad costs range from 13,000 to 30,000 with an average cost of 22,000 for all small entities that could be affected by the final rule. FRA estimates this cost, as a percent of Class III railroad annual average revenues (4.75 million), to be minimal at 0.46 percent.

Given that Class III railroads' size varies widely, FRA classified the small entities by the number of employees to further examine small entity impacts. The purpose is to determine if the ''smaller'' of the small entities would incur a significant economic impact. Table 2 presents the Class III railroads by number of employees using the 2020

[16] FRA 2020 Form 6180.55 Operational Data includes Railroad Class and Number of Employees. *See https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/on_the_fly_download.aspx.* In 2020, there were 744 Class III railroads: 704 freight railroads and 40 Tourist Railroads. Tourist railroads are not subject to the final rule.

[17] FRA defines ''small entities'' as entities that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1–1, which is 20 million or less in annual revenues as adjusted for inflation. *See* 68 FR 24891, May 9, 2003. In addition, note both the SSP rule and RRP rule exempt railroads not on the general system. *See* 49 CFR 270.3(b) and 49 CFR 271.3(b).

[18] American Short Line and Regional Railroad Association, *Facts and Figures,* 12, (2017). (A 2019 edition is available that is a reprint of the 2017 edition.).

data submitted by the Class III railroads on the FRA 2020 Form 6180.55.[19]

TABLE 2—CLASS III RAILROADS BY NUMBER OF EMPLOYEES

Number of employees	Number of firms	Percent firms	Total number of employees	Percent total employees
1–8	385	55	1,325	9
9–22	144	20	2,004	13
23–100	147	21	7,149	46
101–200	22	3	2,662	17
201–883	6	1	2,413	16
Total	704	100	15,553	100

According to Table 2, most Class III railroads (55 percent) operate with fewer than 9 employees and 75 percent have less than 23 employees. The remaining 25 percent of Class III railroads employ 78 percent of all Class III employees. To estimate the maximum economic impact of the rule on the smallest Class III railroads (those with fewer than 9 employees), FRA compares one-third of average annual Class III revenue (1.58 million)[20] in Table 1. FRA assumes further that firms that employ ⅓ the number of employees as the average firm will have ⅓ the average revenues. This approach confirms a minimal loss of 1.9 percent of total revenue required for the smallest Class III railroads to cover the highest expected ISP costs in the worst case. Separately, the Regulatory Impact Analysis accompanying this rule estimates its safety benefits will equal or exceed ISP costs.

Consistent with the findings of FRA's IRFA, and determination that the economic impact of the rule will not be significant, the FRA Administrator hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. Federalism

Executive Order 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' The Executive Order defines ''policies that have federalism implications'' to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

FRA analyzed this rule consistent with the principles and criteria contained in Executive Order 13132. FRA has determined the rule does not have substantial direct effects on States, on the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. In addition, FRA has determined this rule would not impose substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

This rule adds subpart E, Fatigue Management Plans, to 49 CFR part 270 and subpart G, Fatigue Management Plans, to 49 CFR part 271. FRA is not aware of any State with regulations similar to this rule. However, FRA notes that this part could have preemptive effect by the operation of law under 49 U.S.C. 20106. Section 20106 provides that States may not adopt or continue in effect any law, regulation, or order related to railroad safety or security that covers the subject matter of a regulation prescribed or order issued by the Secretary of Transportation (with respect to railroad safety matters), unless the State law, regulation, or order: (1) qualifies under the ''essentially local safety or security hazard'' exception to sec. 20106; (2) is not incompatible with a law, regulation, or order of the U.S. Government; and (3) does not unreasonably burden interstate commerce.

In sum, FRA analyzed this rule consistent with the principles and criteria in Executive Order 13132. FRA has determined this rule has no federalism implications and has determined it is not required to prepare a federalism summary impact statement for this proposed rule.

D. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The Act also requires consideration of international standards, and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and will not affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

E. Paperwork Reduction Act

The information collection requirements in this final rule are being submitted for approval to OMB under the Paperwork Reduction Act of 1995.[21]

[19] FRA 2020 Form 6180.55 Operational Data includes Railroad Class and Number of Employees. See *https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/on_the_fly_download.aspx.*

[20] One third of Class III average annual revenue of 4.75M equals 1.58M. The high ISP cost is 30,411 or 1.9 percent of estimated small Class III revenue (30,411/1.58 million ≈1.9). High ISP costs are used out of caution to not underestimate the impact.

[21] 44 U.S.C. 3501 *et seq.*

The entire table contains the new information collection requirements and the estimated time to fulfill each requirement are as follows:

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Total annual dollar cost equivalent (D) = C * wage rates [22]
270.409—Fatigue Risk Management Program Plan (FRMP Plan) as part of its SSP—Comprehensive FRMP plan meeting all of this section's requirements and under Part 270 subpart C.	35 passenger railroads.	11.67 plans	60 hours	700.20 hours	$61,198.88
—(c)(3)(ii) Annual internal FRMP Plan assessments/reports conducted by RRs.	35 passenger railroads.	11.67 reviews	16 hours	186.72 hours	14,872.99
—FRMP plans found deficient by FRA and requiring amendment.	35 passenger railroads.	1.33 amended plans.	30 hours	39.90 hours	3,178.19
—Consultation requirements—RR consultation with its directly affected employees on FRMP Plan.	35 passenger railroads.	11.67 consultations (w/labor union reps.).	90 minutes	17.51 hours	1,394.74
271.609—FRMP Plan as part of its RRP—Comprehensive written FRMP Plan meeting all of this section's requirements and under Part 271 subpart d.	7 Class I railroads	2.33 plans	90 hours	209.70 hours	18,328.20
	15 ISP railroads	3.33 plans	50 hours	166.50 hours	14,552.43
—(c)(3)(ii) Annual internal FRMP Plan assessments/reports conducted by RRs.	7 Class I +	2.33 reviews	22 hours	51.26 hours	4,083.06
	15 ISP railroads	1.67 reviews	16 hours	26.72 hours	2,128.35
—Consultation requirements—RR consultation with its directly affected employees on FRMP Plan.	7 Class I railroads	2.33 consultations (w/labor union reps.).	90 minutes	3.50 hours	278.79
	15 ISP railroads	5 consultations (w/labor union reps.).	1 hour	5 hours	398.27
—FRMP plans found deficient by FRA and requiring amendment.	7 Class I railroads	0.33 amended plan.	40 hours	13.20 hours	1,051.43
	15 ISP railroads	1 amended plan	20 hours	20 hours	1,593.08
Totals	35 railroads	55 responses	N/A	1,440 hours	123,058

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Hodan Wells, Information Collection Clearance Officer, at 202–493–0440.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them via email to Ms. Wells at *Hodan.Wells@dot.gov*.

OMB is required to make a decision concerning the collection of information requirements contained in this rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required. The current OMB control number for 49 CFR 270 and 271 is 2130–0633.

F. Environmental Assessment

FRA has evaluated this rule consistent with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321, *et seq.*), the Council of Environmental Quality's NEPA implementing regulations at 40 CFR parts 1500–1508, and FRA's NEPA implementing regulations at 23 CFR part 771 and determined that it is categorically excluded from environmental review and therefore does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). Categorical exclusions (CEs) are actions identified in an agency's NEPA implementing regulations that do not normally have a significant impact on the environment and therefore do not require either an EA or EIS. *See* 40 CFR 1508.4. Specifically, FRA has determined that this proposed rule is categorically excluded from detailed environmental review pursuant to 23 CFR 771.116(c)(15), ''[p]romulgation of rules, the issuance of policy statements, the waiver or modification of existing regulatory requirements, or discretionary approvals that do not result in significantly increased emissions of air or water pollutants or noise.''

The purpose of this rulemaking is to establish requirements for certain railroads to develop and implement an FRMP, as one component of the

[22] The dollar equivalent cost is derived from the 2018 Surface Transportation Board's Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75-percent overhead charges.

railroads' larger railroad safety risk reduction programs. This rule does not directly or indirectly impact any environmental resources and will not result in significantly increased emissions of air or water pollutants or noise. Instead, the rule is likely to result in safety benefits. In analyzing the applicability of a CE, FRA must also consider whether unusual circumstances are present that would warrant a more detailed environmental review. *See* 23 CFR 771.116(b). FRA has concluded that no such unusual circumstances exist with respect to this regulation and the rule meets the requirements for categorical exclusion under 23 CFR 771.116(c)(15).

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties. *See* 16 U.S.C. 470. FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f) of the Department of Transportation Act of 1966. *See* Department of Transportation Act of 1966, as amended (Pub. L. 89–670, 80 Stat. 931); 49 U.S.C. 303.

G. Executive Order 12898 (Environmental Justice)

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and DOT Order 5610.2B [23] require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations and low-income populations. The DOT Order instructs DOT agencies to address compliance with Executive Order 12898 and requirements within the DOT Order in rulemaking activities, as appropriate, and also requires consideration of the benefits of transportation programs, policies, and other activities where minority populations and low-income populations benefit, at a minimum, to the same level as the general population as a whole when determining impacts on minority and low-income populations. FRA has evaluated this rule under Executive Order 12898 and the DOT Order and has determined it would not cause disproportionately high and adverse human health and environmental effects on minority populations or low-income populations.

H. Unfunded Mandates Reform Act of 1995

Under Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531), each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act (2 U.S.C. 1532) further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and tribal governments and the private sector. This rule will not result in the expenditure, in the aggregate, of $100,000,000 or more (as adjusted annually for inflation), in any one year, and thus preparation of such a statement is not required.

I. Energy Impact

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' 66 FR 28355, May 22, 2001. FRA evaluated this rule under Executive Order 13211, and has determined this NPRM is not a ''significant energy action'' under the Executive Order 13211.

List of Subjects

49 CFR Part 270

Fatigue, Penalties, Railroad safety, Reporting and recordkeeping requirements, System safety.

49 CFR Part 271

Fatigue, Penalties, Railroad safety, Reporting and recordkeeping requirements, Risk reduction.

The Final Rule

For the reasons discussed in the preamble, FRA amends chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 270—SYSTEM SAFETY PROGRAM

■ 1. The authority citation for part 270 continues to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. Amend § 270.103 by revising paragraph (a)(1) to read as follows:

§ 270.103 System safety program plan.

(a) * * *

(1) Each railroad subject to this part shall adopt and fully implement a system safety program through a written SSP plan that, at a minimum, contains the elements in this section and in subpart E of this part. This SSP plan shall be approved by FRA under the process specified in § 270.201.

* * * * *

■ 3. Add subpart E to read as follows:

Subpart E—Fatigue Risk Management Programs

Sec.

Subpart E—Fatigue Risk Management Programs

§ 270.401 Definitions.

As used in this subpart—

Contributing factor means a circumstance or condition that helps cause a result.

Fatigue means a complex state characterized by a lack of alertness and reduced mental and physical performance, often accompanied by drowsiness.

Fatigue-risk analysis means a railroad's analysis of its operations that:

(1) Identifies and evaluates the fatigue-related railroad safety hazards on its system(s); and

(2) Determines the degree of risk associated with each of those hazards.

FRMP means a Fatigue Risk Management Program.

FRMP plan means a Fatigue Risk Management Program plan.

Safety-related railroad employee means:

(1) A person subject to 49 U.S.C. 21103, 21104, or 21105;

(2) Another person involved in railroad operations not subject to 49 U.S.C. 21103, 21104, or 21105;

(3) A person who inspects, installs, repairs or maintains track, roadbed, signal and communication systems, and electric traction systems including a

[23] Available at: *https://www.transportation.gov/regulations/dot-order-56102b-department-transportation-actions-address-environmental-justice.*

roadway worker or railroad bridge worker;

(4) A hazmat employee defined under 49 U.S.C. 5102(3);

(5) A person who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; or

(6) An employee of any person who utilizes or performs significant railroad safety-related services, as described in § 270.103(d)(2), if that employee performs a function identified in paragraphs (1) through (5) of this definition.

§ 270.403 Purpose and scope of a Fatigue Risk Management Program (FRMP).

(a) *Purpose.* The purpose of an FRMP is to improve railroad safety through structured, systematic, proactive processes and procedures that a railroad subject to this part develops and implements to identify and mitigate the effects of fatigue on its employees.

(b) *Scope.* A railroad shall:

(1) Design its FRMP to reduce the fatigue its safety-related railroad employees experience and to reduce the risk of railroad accidents, incidents, injuries, and fatalities where the fatigue of any of these employees is a contributing factor;

(2) Develop its FRMP by systematically identifying and evaluating the fatigue-related railroad safety hazards on its system, determining the degree of risk associated with each hazard, and managing those risks to reduce the fatigue that its safety-related railroad employees experience. This system-wide fatigue risk identification and evaluation process must account for the varying circumstances of a railroad's operations on different parts of its system; and

(3) Employ in its FRMP the fatigue risk mitigation strategies a railroad identifies as appropriate to address those varying circumstances.

§ 270.405 General requirements; procedure.

(a) Each railroad subject to this part shall:

(1) Establish and implement an FRMP as part of its SSP; and

(2) Establish an FRA-approved FRMP plan as a component of a railroad's FRA-approved SSP plan and then update its FRMP plan as necessary as part of the annual internal assessment of its SSP under § 270.303.

(b) A railroad's FRMP plan must explain the railroad's method of analysis of fatigue risks and the railroad's process(es) for implementing its FRMP.

(c)(1) A railroad shall submit an FRMP plan to FRA for approval no later than either the applicable timeline in § 270.201(a) for filing its SSP plan or July 13, 2023, whichever is later.

(2) A railroad shall submit updates to its FRMP plan under the process for amending its SSP plan in § 270.201(c).

(d) FRA shall review and approve or disapprove a railroad's FRMP plan and amendments to that plan under the process for reviewing SSP plans and amendments in § 270.201(b) and (c), respectively. FRA approval of a railroad's FRMP plan amends a railroad's SSP plan to include the FRMP plan as a component.

§ 270.407 Requirements for an FRMP.

(a) *In general.* An FRMP shall include an analysis of fatigue risks and mitigation strategies, as described in paragraphs (b) and (c) of this section.

(b) *Analysis of fatigue risks.* A railroad shall conduct a fatigue-risk analysis as part of its FRA-approved FRMP, which includes identification of fatigue-related railroad safety hazards, assessment of the risks associated with those hazards, and prioritization of risks for mitigation. At a minimum, a railroad shall consider the following categories of risk factors:

(1) General health and medical conditions that can affect the fatigue levels among the population of safety-related railroad employees;

(2) Scheduling issues that can affect the opportunities of safety-related railroad employees to obtain sufficient quality and quantity of sleep; and

(3) Characteristics of each job category of safety-related railroad employees work that can affect fatigue levels and risk for fatigue of those employees.

(c) *Mitigation strategies.* A railroad shall develop and implement mitigation strategies to reduce the risk of railroad accidents, incidents, injuries, and fatalities where fatigue of any of its safety-related employees is a contributing factor. At a minimum, in developing and implementing these mitigation strategies, a railroad shall consider the railroad's policies, practices, and communication related to its safety-related railroad employees.

(1) *Policies.* A railroad shall consider developing and implementing policies to reduce the risk of the exposure of its safety-related railroad employees to fatigue-related railroad safety hazards on its system. At a minimum, a railroad shall consider these policies:

(i) Providing opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders;

(ii) Identifying methods to minimize accidents and incidents that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythms;

(iii) Developing and implementing alertness strategies, such as policies on napping, to address acute drowsiness and fatigue while an employee is on duty;

(iv) Increasing the number of consecutive hours of off-duty rest, during which an employee receives no communication from the employing railroad or its managers, supervisors, officers, or agents; and

(v) Avoiding abrupt changes in rest cycles for employees.

(2) *Practices.* A railroad shall consider developing and implementing operational practices to reduce the risk of exposure of its safety-related railroad employees to fatigue-related railroad safety hazards on its system. At a minimum, a railroad shall consider these practices:

(i) Minimizing the effects on employee fatigue of an employee's short-term or sustained response to emergency situations, such as derailments and natural disasters, or engagement in other intensive working conditions;

(ii) Developing and implementing scheduling practices for employees, including innovative scheduling practices, on-duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling to reduce employee fatigue and cumulative sleep loss; and

(iii) Providing opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier.

(3) *Communications.* A railroad shall consider developing and implementing training, education, and outreach methods to deliver fatigue-related information effectively to its safety-related railroad employees. At a minimum, a railroad shall consider including in its employee education and training information on the physiological and human factors that affect fatigue, as well as strategies to reduce or mitigate the effects of fatigue, based on the most current scientific and medical research and literature.

(d) *Evaluation.* A railroad shall develop and implement procedures and processes for monitoring and evaluating its FRMP to assess whether the FRMP effectively meets the goals its FRMP plan describes, as required under § 270.409(b).

(1) The evaluation shall include, at a minimum:

(i) Periodic monitoring of the railroad's operational environment to detect changes that may generate new hazards;

(ii) Analysis of the risks associated with any identified hazards; and

(iii) Periodic safety assessments to determine the need for changes to its mitigation strategies.

(2) A railroad shall evaluate newly-identified hazards, and hazards associated with ineffective mitigation strategies, through processes for analyzing fatigue risks described in the railroad's FRMP plan.

(3) Any necessary changes not addressed prior to a railroad's annual internal assessment must be included in the internal assessment improvement plans required under § 270.303.

§ 270.409 Requirements for an FRMP plan.

(a) *In general.* A railroad shall adopt and implement its FRMP through an FRA-approved FRMP plan, developed in consultation with directly affected employees as described under § 270.107. A railroad FRMP plan must contain the elements described in this section. A railroad must submit the plan to FRA for approval under the criteria of subpart C.

(b) *Goals.* An FRMP plan must contain a statement that defines the specific fatigue-related goals of the FRMP and describes strategies for reaching those goals.

(c) *Methods*—(1) *Analysis of fatigue risk.* An FRMP plan shall describe a railroad's method(s) for conducting its fatigue-risk analysis as part of its FRMP. The description shall specify:

(i) The scope of the analysis, which is the covered population of safety-related railroad employees;

(ii) The processes a railroad will use to identify fatigue-related railroad safety hazards on its system and determine the degree of risk associated with each fatigue-related hazard identified;

(iii) The processes a railroad will use to compare and prioritize identified fatigue-related risks for mitigation purposes; and

(iv) The information sources a railroad will use to support ongoing identification of fatigue-related railroad safety hazards and determine the degree of risk associated with those hazards.

(2) *Mitigation strategies.* An FRMP plan shall describe a railroad's processes for:

(i) Identifying and selecting fatigue risk mitigation strategies; and

(ii) Monitoring identified fatigue-related railroad safety hazards.

(3) *Evaluation.* An FRMP plan shall describe:

(i) A railroad's processes for monitoring and evaluating the overall effectiveness of its FRMP and the effectiveness of fatigue-related mitigation strategies the railroad uses under § 270.407; and

(ii) A railroad's procedures for reviewing the FRMP as part of the annual internal assessment of its SSP under § 270.303 and for updating the FRMP plan under the process for amending its SSP plan under § 270.201(c).

(d) *FRMP implementation plan.* A railroad shall describe in its FRMP plan how it will implement its FRMP. This description must cover an implementation period not to exceed 36 months, and shall include:

(1) A description of the roles and responsibilities of each position or job function with significant responsibility for implementing the FRMP, including those held by employees, contractors who provide significant FRMP-related services, and other entities or persons that provide significant FRMP services;

(2) A timeline describing when certain milestones that must be met to implement the FRMP fully will be achieved. Implementation milestones shall be specific and measurable;

(3) A description of how a railroad may make significant changes to the FRMP plan under the process for amending its SSP plan in § 270.201(c); and

(4) The procedures for consultation with directly affected employees on any subsequent substantive amendments to the railroad's FRMP plan. The requirements of this section do not apply to non-substantive amendments (*e.g.,* amendments that update names and addresses of railroad personnel).

PART 271—RISK REDUCTION PROGRAM

■ 4. The authority citation for part 271 continues to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 5. Amend § 271.101 by revising paragraph (a) to read as follows:

§ 271.101 Risk reduction programs.

(a) *Program required.* Each railroad shall establish and fully implement an RRP meeting the requirements of this part. An RRP shall systematically evaluate railroad safety hazards on a railroad's system and manage the resulting risks to reduce the number and rates of railroad accidents/incidents, injuries, and fatalities. An RRP is an ongoing program that supports continuous safety improvement. A railroad shall design its RRP so that it promotes and supports a positive safety culture at the railroad. An RRP shall include the following:

(1) A risk-based hazard management program, as described in § 271.103;

(2) A safety performance evaluation component, as described in § 271.105;

(3) A safety outreach component, as described in § 271.107;

(4) A technology analysis and technology implementation plan, as described in § 271.109;

(5) RRP implementation and support training, as described in § 271.111;

(6) Involvement of railroad employees in the establishment and implementation of an RRP, as described in § 271.113; and

(7) An FRMP as described in § 271.607.

* * * * *

■ 6. Section 271.201 is revised to read as follows:

§ 271.201 General.

A railroad shall adopt and implement its RRP through a written RRP plan containing the elements described in this subpart and in § 271.609. A railroad's RRP plan shall be approved by FRA according to the requirements contained in subpart D of this part.

■ 7. Add subpart G to read as follows:

Subpart G—Fatigue Risk Management Programs

Sec.

Subpart G—Fatigue Risk Management Programs

§ 271.601 Definitions.

As used in this subpart—

Contributing factor means a circumstance or condition that helps cause a result.

Fatigue means a complex state characterized by a lack of alertness and reduced mental and physical performance, often accompanied by drowsiness.

Fatigue-risk analysis means a railroad's analysis of its operations that:

(1) Identifies and evaluates the fatigue-related railroad safety hazards on its system(s) and;

(2) Determines the degree of risk associated with each of those hazards.

FRMP means a Fatigue Risk Management Program.

FRMP plan means a Fatigue Risk Management Program plan.

Safety-related railroad employee means:

(1) A person subject to 49 U.S.C. 21103, 21104, or 21105;

(2) Another person involved in railroad operations not subject to 49 U.S.C. 21103, 21104, or 21105;

(3) A person who inspects, installs, repairs or maintains track, roadbed, signal and communication systems, and electric traction systems including a roadway worker or railroad bridge worker;

(4) A hazmat employee defined under 49 U.S.C. 5102(3);

(5) A person who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; or

(6) An employee of any person who utilizes or performs significant railroad safety-related services, as described in § 271.205(a)(3), if that employee performs a function identified in paragraphs (1) through (5) of this definition.

§ 271.603 Purpose and scope of a Fatigue Risk Management Program (FRMP).

(a) *Purpose.* The purpose of an FRMP is to improve railroad safety through structured, proactive processes and procedures a railroad subject to this part develops and implements. A railroad's FRMP shall systematically identify and evaluate the fatigue-related railroad safety hazards on its system, determine the degree of risk associated with each hazard, and manage those risks to reduce the fatigue that its safety-related railroad employees experience and to reduce the risk of railroad accidents, incidents, injuries, and fatalities where the fatigue of any of these employees is a contributing factor.

(b) *Scope.* A railroad shall:

(1) Design its FRMP to reduce the fatigue its safety-related railroad employees experience and to reduce the risk of railroad accidents, incidents, injuries, and fatalities where the fatigue of any of these employees is a contributing factor;

(2) Develop its FRMP by conducting a system-wide fatigue-risk analysis that accounts for the varying circumstances of its operations on different parts of its system; and

(3) Employ in its FRMP the fatigue risk mitigation strategies the railroad identifies as appropriate to address those varying circumstances.

§ 271.605 General requirements; procedure.

(a) Each railroad subject to this part shall:

(1) Establish and implement an FRMP as part of its RRP; and

(2) Establish an FRA-approved FRMP plan as a component of a railroad's FRA-approved RRP plan and then update the FRMP plan as necessary as part of the annual internal assessment of its RRP under § 271.401.

(b) A railroad's FRMP plan must explain the railroad's method of analysis of fatigue risks and the railroad's process(es) for implementing its FRMP.

(c)(1) A railroad shall submit an FRMP plan to FRA for approval no later than either the applicable timeline in § 271.301(b) for filing its RRP plan or July 13, 2023, whichever is later; and

(2) A railroad shall submit updates to its FRMP plan under the process for amending its RRP plan in § 271.303.

(d) FRA shall review and approve or disapprove a railroad's FRMP plan under the process for reviewing RRP plans in § 271.301(d) and updates to the railroad's FRMP plan under the process for reviewing amendments to an RRP plan in § 271.303(c). FRA approval of a railroad's FRMP plan amends a railroad's RRP plan to include the FRMP plan as a component.

§ 271.607 Requirements for an FRMP.

(a) *In general.* An FRMP shall include an analysis of fatigue risks and mitigation strategies described in paragraphs (b) and (c) of this section.

(b) *Analysis of fatigue risks.* A railroad shall conduct a fatigue-risk analysis as part of its FRA-approved FRMP, which includes identification of fatigue-related railroad safety hazards, assessment of the risks associated with those hazards, and prioritization of risks for mitigation. At a minimum, railroads must consider the following categories of risk factors, as applicable:

(1) General health and medical conditions that can affect the fatigue levels among the population of safety-related railroad employees;

(2) Scheduling issues that can affect the opportunities of safety-related railroad employees to obtain sufficient quality and quantity of sleep; and

(3) Characteristics of each job category safety-related railroad employees work that can affect fatigue levels and risk for fatigue of those employees.

(c) *Mitigation strategies.* A railroad shall develop and implement mitigation strategies to reduce the risk of railroad accidents, incidents, injuries, and fatalities where fatigue of any of its safety-related employees is a contributing factor. At a minimum, in developing and implementing these mitigation strategies, a railroad shall consider the railroad's policies, practices, and communications related to its safety-related railroad employees.

(1) *Policies.* A railroad shall consider developing and implementing policies to reduce the risk of the exposure of its safety-related railroad employees to fatigue-related railroad safety hazards on its system. At a minimum, a railroad shall consider these policies:

(i) Providing opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders;

(ii) Identifying methods to minimize accidents and incidents that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythms;

(iii) Developing and implementing alertness strategies, such as policies on napping, to address acute drowsiness and fatigue while an employee is on duty;

(iv) Increasing the number of consecutive hours of off-duty rest, during which an employee receives no communication from the employing railroad or its managers, supervisors, officers, or agents; and

(v) Avoiding abrupt changes in rest cycles for employees.

(2) *Practices.* A railroad shall consider developing and implementing operational practices to reduce the risk of exposure of its safety-related railroad employees to fatigue-related railroad safety hazards on its system. At a minimum, a railroad shall consider these practices:

(i) Minimizing the effects on employee fatigue of an employee's short-term or sustained response to emergency situations, such as derailments and natural disasters, or engagement in other intensive working conditions;

(ii) Developing and implementing scheduling practices for employees, including innovative scheduling practices, on-duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling to reduce employee fatigue and cumulative sleep loss; and

(iii) Providing opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier.

(3) *Communication.* A railroad shall consider developing and implementing training, education, and outreach methods to deliver fatigue-related information effectively to its safety-related railroad employees. At a minimum, a railroad shall consider communications regarding employee education and training on the physiological and human factors that affect fatigue, as well as strategies to

reduce or mitigate the effects of fatigue, based on the most current scientific and medical research and literature.

(d) *Evaluation.* A railroad shall develop and implement procedures and processes for monitoring and evaluating its FRMP to assess whether the FRMP effectively meets the goals its FRMP plan describes under § 271.609(b).

(1) The evaluation shall include, at a minimum:

(i) Periodic monitoring of the railroad's operational environment to detect changes that may generate new hazards;

(ii) Analysis of the risks associated with any identified hazards; and

(iii) Periodic safety assessments to determine the need for changes to its mitigation strategies.

(2) A railroad shall evaluate newly-identified hazards, and hazards associated with ineffective mitigation strategies, through processes for analyzing fatigue risks described in the railroad's FRMP plan.

(3) Any necessary changes not addressed prior to a railroad's annual internal assessment must be included in the internal assessment improvement plans required under § 271.403.

§ 271.609 Requirements for an FRMP plan.

(a) *In general.* A railroad shall adopt and implement its FRMP through an FRA-approved FRMP plan, developed in consultation with directly affected employees as described under § 271.207. A railroad FRMP plan must contain the elements described in this section. The railroad must submit the plan to FRA for approval under the criteria of subpart D.

(b) *Goals.* An FRMP plan must contain a statement that defines the specific fatigue-related goals of the FRMP and describes strategies for reaching those goals.

(c) *Methods*—(1) *Analysis of fatigue risk.* An FRMP plan shall describe a railroad's method(s) for conducting its fatigue-risk analysis as part of its FRMP. The description shall specify:

(i) The scope of the analysis, which is the covered population of safety-related railroad employees;

(ii) The processes a railroad will use to identify fatigue-related railroad safety hazards on its system and determine the degree of risk associated with each fatigue-related hazard identified;

(iii) The processes a railroad will use to compare and prioritize identified fatigue-related risks for mitigation purposes; and

(iv) The information sources a railroad will use to support ongoing identification of fatigue-related railroad safety hazards and determine the degree of risk associated with those hazards.

(2) *Mitigation strategies.* An FRMP plan shall describe a railroad's processes for:

(i) Identifying and selecting fatigue risk mitigation strategies; and

(ii) Monitoring identified fatigue-related railroad safety hazards.

(3) *Evaluation.* An FRMP plan shall describe:

(i) A railroad's processes for monitoring and evaluating the overall effectiveness of its FRMP and the effectiveness of fatigue-related mitigation strategies the railroad uses under § 271.607; and

(ii) A railroad's procedures for reviewing the FRMP as part of the annual assessment of its RRP under § 271.401 and for updating the FRMP plan under the process for amending its RRP plan under § 271.303.

(d) *FRMP implementation plan.* A railroad shall describe in its FRMP plan how it will implement its FRMP. This description must cover an implementation period not to exceed 36 months, and shall include:

(1) A description of the roles and responsibilities of each position or job function with significant responsibility for implementing the FRMP, including those held by employees, contractors who provide significant FRMP-related services, and other entities or persons that provide significant FRMP services;

(2) A timeline describing when certain milestones that must be met to implement the FRMP fully will be achieved. Implementation milestones shall be specific and measurable;

(3) A description of how the railroad may make significant changes to the FRMP plan under the process for amending its RRP plan in § 271.303; and

(4) The procedures for consultation with directly affected employees on any subsequent substantive amendments to the railroad's FRMP plan. The requirements of this section do not apply to non-substantive amendments (*e.g.,* amendments that update names and addresses of railroad personnel).

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2022–12614 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 191

[Docket No. PHMSA–2011–0023; Amdt. No. 191–32]

RIN 2137–AF38

Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Technical Corrections

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule; technical corrections.

SUMMARY: PHMSA is issuing corrections of certain changes to incident and annual reporting requirements for offshore gathering pipelines in its November 15, 2021, final rule titled ''Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments.''

DATES: These corrections are June 13, 2022.

FOR FURTHER INFORMATION CONTACT:

Technical questions: Steve Nanney, Senior Technical Advisor, by telephone at 713–272–2855.

General information: Sayler Palabrica, Transportation Specialist, by telephone at 202–366–0559.

SUPPLEMENTARY INFORMATION:

I. Corrections

On November 15, 2021, PHMSA published a final rule titled ''Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments'' [1] (Final Rule) amending the Federal pipeline safety regulations (49 CFR parts 190–199) to introduce, among other things, incident and annual reporting requirements for previously unregulated Types C and R onshore gas gathering pipelines. The preamble to the Final Rule explicitly disclaimed amendment of then-existing part 191 reporting and part 192 safety requirements pertaining to offshore gas

[1] 86 FR 63266 (''Final Rule''). PHMSA subsequently published technical corrections of certain regulatory amendments in the Final Rule (specifically, §§ 191.23 and 192.8) not relevant here. 87 FR 26296 (May 4, 2022).

gathering pipelines.[2] The Final Rule became effective on May 16, 2022.

But, in amending then-existing regulatory language pertaining to incident (§ 191.15) and annual (§ 191.17) reporting requirements to provide that regulated *onshore* gas gathering pipelines must submit annual and incident reports, PHMSA inadvertently omitted language requiring *offshore* gas gathering pipelines to continue to submit the same consistent with longstanding requirements. PHMSA is now issuing corrections amending §§ 191.15(a)(1) and 191.17(a)(1) consistent with statements in the preamble to the Final Rule. PHMSA has reviewed the current versions of each of DOT Forms PHMSA F 7100.2 (incident reporting), and PHMSA F 7100.2–1 (annual reporting), and their respective instructions, and confirmed that each form continues to reference offshore gathering lines and therefore no conforming revisions to those forms will be necessary following codification of the corrections in this notice.[3]

II. Regulatory Analyses and Notices

A. Statutory/Legal Authority

Statutory authority for this notice's corrections to the Final Rule, as with the Final Rule itself (whose discussion of statutory authority at Section IV.A., 86 FR at 63290, is adopted herein by reference), is provided by the Federal Pipeline Safety Act (49 U.S.C. 60101 *et seq.*). The Secretary delegated his authority under the Federal Pipeline Safety Act to the PHMSA Administrator under 49 CFR 1.97.

PHMSA finds it has good cause to make these corrections without notice and comment pursuant to Section 553(b) of the Administrative Procedure Act (APA, 5 U.S.C. 551 *et seq.*). Section 553(b)(B) of the APA provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. As explained above, the textual alterations herein consist of corrections re-codifying regulatory language inadvertently deleted by the Final Rule, consistent with statements in the preamble to the Final Rule; they make no substantive changes to the Final Rule but merely facilitate its implementation by aligning the regulatory text and explanatory material in the Final Rule's preamble. Because the Final Rule is the product of an extensive administrative record with numerous opportunities (including through written comments and the advisory committee) for public comment, PHMSA finds that additional comment on the corrections herein is unnecessary.

The immediate effective date of the corrections contained in this notice is authorized under Section 553(d)(3) of the APA. Section 553(d)(3) provides that a rule should take effect ''not less than 30 days'' after publication in the **Federal Register** except for when good cause is found by the agency and published within the rule, thus allowing for earlier effectiveness. 5 U.S.C. 553(d)(3). ''[T]he purpose of the thirty-day waiting period is to give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *F.C.C.,* 78 F.3d 620, 630 (D.C. Cir. 1996). The corrections at §§ 191.15(a)(1) and 191.17(a)(1) restore annual and incident reporting requirements for offshore gas gathering pipelines consistent with explicit statements in the Final Rule preamble. Moreover, PHMSA finds that good cause under Section 553(d)(3) supports making the revisions effective upon publication in the **Federal Register** because the corrections contained in this notice are entirely consistent with the Final Rule and ensure timely submission of incident and annual reports by offshore gas gathering pipeline operators.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Order 12866 (''Regulatory Planning and Review'') and DOT Order 2100.6A (''Rulemaking and Guidance Procedures''); therefore, this notice has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. PHMSA finds that the corrections herein (in all respects consistent with the Final Rule) impose no incremental compliance costs nor adversely affect safety, as they merely re-codify certain reporting requirements inadvertently deleted by the Final Rule and thereby ensure timely submission of incident and annual reports by offshore gas gathering pipeline operators.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Flexibility Fairness Act of 1996 (5 U.S.C. 601 *et seq.*), generally requires Federal regulatory agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for a final rule subject to notice-and-comment rulemaking under the APA. 5 U.S.C. 604(a).[4] The Small Business Administration's implementing guidance explains that ''[i]f an NPRM is not required, the RFA does not apply.'' [5] Because PHMSA has ''good cause'' under the APA to forego comment on the corrections herein, no FRFA is required. Moreover, PHMSA prepared a FRFA for the Final Rule, which is available in the docket for this rulemaking; [6] because the corrections herein will impose no new incremental compliance costs, PHMSA understands the analysis in that FRFA remains unchanged.

D. Paperwork Reduction Act

The corrections in this notice impose no new or revised information collection requirements beyond those discussed in the Final Rule. As explained above, the preamble to the Final Rule explicitly disclaimed amendment of part 191 reporting requirements for offshore gas gathering pipelines; the corrections herein are consistent with those statements and will require no change to current DOT Form PHMSA F 7100.2 (incident reporting), DOT Form PHMSA F 7100.2–1 (annual reporting), and their respective instructions.

E. Unfunded Mandates Reform Act of 1995

PHMSA analyzed the corrections in this notice under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA, 2 U.S.C. 1501 *et seq.*) and determined that the corrections to the Final Rule herein do not impose enforceable duties on state, local, or Tribal governments or on the private sector of $100 million or more, adjusted for inflation, in any one year. PHMSA prepared an analysis of the UMRA considerations in the final Regulatory Impact Analysis for the Final Rule, which is available in the docket for the rulemaking.[7] Because the corrections herein will impose no new incremental

[2] *See, e.g.,* 86 FR at 63266 (''The rule does not affect offshore gas gathering pipelines.'') and 63268 (''The final rule addresses reporting and safety requirements for onshore gas gathering lines; *offshore gas gathering lines are beyond the scope of this rulemaking*''.) (emphasis added).

[3] The referenced forms are available on PHMSA's website at *https://www.phmsa.dot.gov/forms/operator-reports-submitted-phmsa-forms-and-instructions.*

[4] This requirement is subject to exceptions—which are not in any event applicable here because PHMSA has good cause to forego comment in adopting the corrections herein.

[5] Small Business Administration, ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act'' 55 (2017).

[6] Doc. No. PHMSA–2011–0023–0488, at 34–35.

[7] Doc. No. PHMSA–2011–0023–0488, at 35.

compliance costs, PHMSA understands the analysis in that UMRA discussion for the Final Rule remains unchanged.

F. National Environmental Policy Act

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare a detailed statement on major Federal actions significantly affecting the quality of the human environment. PHMSA analyzed the Final Rule in accordance with NEPA, implementing Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOT implementing policies (DOT Order 5610.1C, ''Procedures for Considering Environmental Impacts'') and determined the Final Rule would not significantly affect the quality of the human environment.[8] The corrections to the Final Rule in this notice have no effect on PHMSA's earlier NEPA analysis as they are consistent, and merely facilitate compliance, with the Final Rule.

G. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provided, 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*.

H. Executive Order 13132 (Federalism)

PHMSA has analyzed this notice in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism'').[9] The corrections herein are consistent, and merely facilitate timely compliance with, the Final Rule, and do not have any substantial direct effect on the states, the relationship between the National Government and the states, or the distribution of power and responsibilities among the various levels of government beyond what was accounted for in the Final Rule. This notice does not contain any provision that imposes any substantial direct compliance costs on state and local governments, nor any new provision that preempts state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.[10]

I. Executive Order 13211

PHMSA analyzed the Final Rule and determined that the requirements of Executive Order 13211 (''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'') [11] did not apply. The corrections to the Final Rule herein are not a ''significant energy action'' under Executive Order 13211 either as they are not likely to have a significant adverse effect on supply, distribution, or energy use. Further, OMB has not designated the corrections herein as a significant energy action.

J. Executive Order 13175

This document was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments'') [12] and DOT Order 5301.1 (''Department of Transportation Policies, Programs, and Procedures Affecting American Indians, Alaska Natives, and Tribes''). Because none of the corrections herein have Tribal implications or impose substantial direct compliance costs on Indian Tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

K. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609 (''Promoting International Regulatory Cooperation''),[13] agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The corrections to the Final Rule in this notice do not impact international trade.

L. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 191

MAOP exceedance, Pipeline reporting requirements.

In consideration of the foregoing, PHMSA amends 49 CFR part 191 as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL, INCIDENT, AND OTHER REPORTING

■ 1. The authority citation for part 191 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et seq.,* and 49 CFR 1.97.

■ 2. In § 191.15, revise paragraph (a)(1) to read as follows:

§ 191.15 Transmission systems; gathering systems; liquefied natural gas facilities; and underground natural gas storage facilities: Incident report.

(a) * * *

(1) *Transmission, offshore gathering, or regulated onshore gathering.* Each operator of a transmission, offshore gathering, or a regulated onshore gathering pipeline system must submit Department of Transportation (DOT) Form PHMSA F 7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 191.5.

* * * * *

■ 3. In § 191.17, revise paragraph (a)(1) to read as follows:

§ 191.17 Transmission systems; gathering systems; liquefied natural gas facilities; and underground natural gas storage facilities: Annual report.

(a) * * *

(1) *Transmission, offshore gathering, or regulated onshore gathering.* Each operator of a transmission, offshore gathering, or regulated onshore gathering pipeline system must submit an annual report for that system on DOT Form PHMSA F 7100.2–1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

* * * * *

Issued in Washington, DC, on June 8, 2022, under authority delegated in 49 CFR 1.97.

Tristan H. Brown,

Deputy Administrator.

[FR Doc. 2022–12722 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–60–P

[8] Final Environmental Assessment, Doc. No. PHMSA–2011–0023–0485.

[9] 64 FR 43255 (Aug. 10, 1999).

[10] Moreover, PHMSA determined that the Final Rule did not impose substantial direct compliance costs on State and local governments.

[11] 66 FR 28355 (May 22, 2001).

[12] 65 FR 67249 (Nov. 6, 2000).

[13] 77 FR 26413 (May 4, 2012).

Proposed Rules

Federal Register
Vol. 87, No. 113
Monday, June 13, 2022

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

DEPARTMENT OF ENERGY

10 CFR Part 429

[EERE–2022–BT–CRT–0021]

RIN 1904–AF42

Energy Conservation Program: Consumer Refrigeration and Miscellaneous Refrigeration Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: On July 18, 2016, the U.S. Department of Energy published a final rule that amended the test procedure for refrigerators and refrigerator-freezers and established both coverage and procedures for testing miscellaneous refrigeration products (''MREFs''). That final rule also established provisions within DOE's certification requirements to provide instructions regarding product category determinations, which were intended to be consistent with the definitions established for MREFs and refrigerators, refrigerator-freezers, and freezers. This document proposes to correct certain inconsistencies between the instructions for determining product categories and the corresponding product definitions to avoid confusion regarding the application of those definitions. DOE is seeking comment from interested parties on the proposal.

DATES: DOE will accept comments, data, and information this regarding this proposal no later than July 13, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov,* under docket number EERE–2022–BT–CRT–0021. Follow the instructions for submitting comments.

Alternatively, interested persons may submit comments, identified by docket number EERE–2022–BT–CRT–0021, by any of the following methods:

Email: Refrigeration2022CRT0021@ee.doe.gov. Include the docket number EERE–2022–BT–CRT–0021in the subject line of the message.

Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if a public meeting is held), comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/EERE-2022-BT-CRT-0021.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section IV for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *stephanie.johnson@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes the United States Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include miscellaneous refrigeration products (''MREFs'') along with more common consumer refrigeration products (*i.e.,* refrigerators, refrigerator-freezers, and freezers). These products are the focus of this notice of proposed rulemaking (''NOPR'' or ''proposal'') and collectively comprise what DOE simply refers to in this document as ''consumer refrigeration products'' in this document. (42 U.S.C. 6292(a)(1))

In addition to identifying particular consumer products and commercial equipment as covered under the statute, EPCA permits the Secretary of Energy to classify additional types of consumer products as covered products. (42 U.S.C. 6292(a)(20)) DOE added MREFs as covered products through a final determination of coverage published in the **Federal Register** on July 18, 2016 (''July 2016 final rule''). 81 FR 46768. MREFs are consumer refrigeration products, other than refrigerators, refrigerator-freezers, or freezers. 10 CFR 430.2. MREFs include refrigeration products such as coolers (*e.g.,* wine chillers and other specialty products) and combination cooler refrigeration products (*e.g.,* wine chillers and other specialty compartments combined with a refrigerator, freezer, or refrigerator-freezer).

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making other representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

This proposal is intended to narrowly clarify and correct inconsistencies in certain product category determination specifications within the certification provisions for the consumer refrigeration products that are the subject of this document.

II. Scope and Definitions

DOE's regulations generally categorize consumer refrigeration products into different product categories based on operating temperatures, among other criteria. While this proposal does not propose to alter any of the definitions associated with these different consumer refrigeration products, a basic understanding of the definitions for these different product categories—all of which are found in 10 CFR 430.2—is helpful.

DOE defines a ''refrigerator'' as a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to 10 CFR 429.14(d)(2). A refrigerator may include a compartment capable of maintaining compartment temperatures below 32 °F (0 °C), but does not provide a separate low temperature compartment capable of maintaining compartment temperatures below 8 °F (−13.3 °C) as determined according to 10 CFR 429.14(d)(2). This term does not include:

(1) Any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly;

(2) A cooler; or

(3) Any miscellaneous refrigeration product that must comply with an applicable miscellaneous refrigeration product energy conservation standard.

Section 430.2 defines a ''freezer'' as a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and is capable of maintaining compartment temperatures of 0 °F (−17.8 °C) or below as determined according to 10 CFR 429.14(d)(2). It does not include any refrigerated cabinet that consists solely of an automatic ice maker and an ice storage bin arranged so that operation of the automatic icemaker fills the bin to its capacity. The term does not include:

(1) Any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly; or

(2) Any miscellaneous refrigeration product that must comply with an applicable miscellaneous refrigeration product energy conservation standard.

A ''refrigerator-freezer'' is defined as a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and consists of two or more compartments where at least one of the compartments is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to 10 CFR 429.14(d)(2), and at least one other compartment is capable of maintaining compartment temperatures of 8 °F (−13.3 °C) and may be adjusted by the user to a temperature of 0 °F (−17.8 °C) or below as determined according to 10 CFR 429.14(d)(2). The term does not include:

(1) Any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly; or

(2) Any miscellaneous refrigeration product that must comply with an applicable miscellaneous refrigeration product energy conservation standard.

The term ''miscellaneous refrigeration product'' means a consumer refrigeration product other than a refrigerator, refrigerator-freezer, or freezer, which includes coolers and combination cooler refrigeration products.

A ''cooler'' is a cabinet, used with one or more doors, that has a source of refrigeration capable of operating on single-phase, alternating current and is capable of maintaining compartment temperatures either:

(1) No lower than 39 °F (3.9 °C); or

(2) In a range that extends no lower than 37 °F (2.8 °C) but at least as high as 60 °F (15.6 °C) as determined according to 10 CFR 429.61(d)(2).

A ''combination cooler refrigeration product'' means any cooler-refrigerator, cooler-refrigerator-freezer, or cooler-freezer.

DOE's regulations define a ''cooler-refrigerator'' as a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of two or more compartments, including at least one cooler compartment as defined in 10 CFR part 430 subpart B appendix A, where:

(1) At least one of the remaining compartments is not a cooler compartment as defined in 10 CFR part 430 subpart B appendix A and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to 10 CFR 429.61(d)(2);

(2) The cabinet may also include a compartment capable of maintaining compartment temperatures below 32 °F (0 °C) as determined according to 10 CFR 429.61(d)(2); but

(3) The cabinet does not provide a separate low temperature compartment capable of maintaining compartment temperatures below 8 °F (−13.3 °C) as determined according to 10 CFR 429.61(d)(2).

A ''cooler-refrigerator-freezer'' means a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of three or more compartments, including at least one cooler compartment as defined in 10 CFR part 430 subpart B appendix A, where:

(1) At least one of the remaining compartments is not a cooler compartment as defined in 10 CFR part 430 subpart B appendix A and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to 10 CFR 429.61(d)(2); and

(2) At least one other compartment is capable of maintaining compartment temperatures below 8 °F (−13.3 °C) and may be adjusted by the user to a temperature of 0 °F (−17.8 °C) or below as determined according to 10 CFR 429.61(d)(2).

A ''cooler-freezer'' means a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of two or more compartments, including at least one cooler compartment as defined in 10 CFR part 430 subpart B appendix A, where the remaining compartment(s) are capable of maintaining compartment temperatures at 0 °F (−17.8 °C) or below as determined according to the provisions in 10 CFR 429.61(d)(2).

See generally 10 CFR 430.2.

III. Discussion of Proposed Amendments

A. Coldest Temperature'' Requirement

The July 2016 final rule established provisions in 10 CFR 429.14 (for refrigerators, refrigerator-freezers, and freezers) and 10 CFR 429.61 (for MREFs) to provide instructions regarding product category determinations, intended to be consistent with the definitions established in 10 CFR 430.2. 81 FR 46768, 46790.

In particular, § 429.61(d)(2) specifies for MREFs that compartment temperatures used to determine product category shall be the mean of the measured compartment temperatures at the ''coldest setting'' for each tested unit of the basic model according to the provisions of appendix A. This reference to the coldest setting is necessary to determine whether a compartment is a cooler because the definition of cooler—by referencing the capability of maintaining compartment temperatures *no lower than* 39 °F (3.9 °C) [emphasis added]—necessarily requires evaluating the coldest setting available for the subject compartment (*i.e.,* testing the coldest setting is necessary to determine the lowest temperature that the compartment is capable of achieving). *See* 10 CFR 430.2. Accordingly, the measurement of the compartment temperature for the purpose of defining a compartment as a ''cooler compartment'' is conducted at ''the coldest setting.''

In the July 2016 final rule, DOE inadvertently applied the ''coldest setting'' wording in 10 CFR 429.14 and 10 CFR 429.61 to other types of consumer refrigeration products for which the ''coldest setting'' is not the appropriate setting for determining product classification; specifically, for consumer refrigerators, refrigerator-freezers, freezers, and for compartments in miscellaneous refrigeration products other than cooler compartments. As illustrated in the paragraphs that follow, determining product classification for these types of consumer refrigeration products is based on the capability of a product to operate within an applicable temperature range and is not specific to the lowest capable operating temperature (*i.e.,* not specific to the ''coldest setting'').

By way of example, in considering the refrigerator definition, determining whether a compartment is a fresh food (*i.e.,* refrigerator) compartment is not specific to the lowest capable operating temperature. Rather, to be defined as a refrigerator, a product must be capable of maintaining a compartment temperature within a specified range, which may not correspond to the coldest setting available on the product. In particular, a refrigerator is defined, in part, as being capable of maintaining a compartment temperature above 32 °F (0 °C) and below 39 °F (3.9 °C). 10 CFR 430.2. If the coldest setting on a refrigerator were to result in a compartment temperature less than 32 °F (0 °C) (for example, 31 °F), testing the product at the coldest setting would yield a temperature outside the specified range (in this example, 31 °F) and therefore would not provide an indication of the product's capability to maintain a compartment temperature above 32 °F (0 °C) and below 39 °F (3.9 °C). For such a product, determining product category based on the coldest setting alone (as currently suggested by 10 CFR 429.14(d)(2)) would inadvertently exclude the product from the refrigerator definition. In contrast, evaluating the temperature range of the product as tested using appendix A would appropriately identify that the product is capable of maintaining a compartment temperature above 32 °F (0 °C) and below 39 °F (3.9 °C), thus meeting the definition of refrigerator. DOE's proposal seeks to remedy this current inconsistency.

The issue is further illustrated by the definitions for cooler-refrigerator and cooler-freezer, which are based on the full range of temperatures at which the non-cooler compartment(s) is capable of operating without specifying a maximum or minimum operating capability. As such, the instruction to measure the non-cooler compartment temperature at the coldest setting to determine that compartment's classification, as instructed under 10 CFR 429.61(d)(2), is also inconsistent with the definitions of cooler-refrigerator and cooler-freezer.

Finally, DOE notes that the rulemaking leading to the July 2016 final rule emphasized that DOE did not intend to redefine the scope of coverage for refrigerators, refrigerator-freezers, or freezers, or to amend those definitions in a manner that would affect how a covered product at the time would be classified. 81 FR 46768, 46777 (*See also* 81 FR 11454, 11459–11460).

For these reasons, DOE has tentatively determined that the coldest setting instruction as currently included in 10 CFR 429.14(d)(2) and 10 CFR 429.61(d)(2) is inconsistent with the definitions established in the July 2016 final rule and is proposing amendments to correct this inconsistency. To address this issue, DOE is proposing that the instructions for determining compartment classification would differentiate cooler compartments from compartments other than cooler compartments. For cooler compartments, DOE proposes no change to the current requirements specified at 10 CFR 429.61(d)(2), since the coldest setting is the appropriate setting with which to evaluate a cooler compartment. For compartments other than cooler compartments, DOE is proposing to amend 10 CFR 429.14(d)(2) and 10 CFR 429.61(d)(2) to remove the reference to operation at the coldest setting. For such compartments, the compartment temperature settings used to determine product category would be used to evaluate the full range of temperatures that the product can maintain within the compartment, thus allowing for accurate application of the definitions for these products.

This document identifies and proposes amendments to 10 CFR part 429 addressing the inconsistencies introduced in the July 2016 final rule. The proposed corrections in this document do not otherwise affect the substance of the rulemaking or any conclusions reached in support of the July 2016 final rule.

B. Products Meeting Multiple Product Category Definitions

In a test procedure final rule published on April 21, 2014 (''April 2014 final rule''), DOE acknowledged that a product may be capable of operating at the temperatures specified in both the refrigerator definition and the freezer definition (*i.e.,* a ''convertible'' product) and that such a product would be required to certify as both a refrigerator and a freezer if the product meets the applicable definition(s). 79 FR 22320, 22343. This would not be the result if the temperature were measured only at the coldest setting for determining classification of a compartment. The proposed amendments to 10 CFR 429.14 and 10 CFR 429.61 discussed in section II.A of this document would clarify the certification process for convertible products as multiple product types, as intended in the April 2014 final rule. To further clarify the appropriate certification of such products, DOE is proposing to further amend 10 CFR 429.14 and 10 CFR 429.61 to explicitly specify that if a product is capable of operating with compartment temperatures as specified in multiple product category definitions, the model must be tested and certified to each applicable product category. For example, a single-compartment product capable of maintaining compartment temperatures of −2 °F and 36 °F would meet both the refrigerator (above 32 °F and below 39 °F) and freezer (0 °F or

below) definitions and would be certified to each corresponding applicable product class.

DOE is seeking comment on these proposed amendments to 10 CFR part 429, particularly as to whether these proposals will sufficiently address the issues identified in this document.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' as supplemented and reaffirmed by E.O. 13563, ''Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this proposed regulatory action does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (''IRFA'') for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: *www.energy.gov/gc/office-general-counsel.*

This NOPR identifies and proposes amendments to address inconsistencies introduced in the July 2016 final rule. The proposed corrections in this NOPR do not otherwise affect the scope or substance of the current test procedures for consumer refrigeration products.

Therefore, DOE initially concludes that the impacts of the amendments proposed in this NOPR would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of an IRFA is not warranted. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of consumer refrigeration products must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including consumer refrigeration products. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (''PRA''). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

DOE is not proposing to amend the certification or reporting requirements for consumer refrigeration products.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this NOPR, DOE proposes amendments to certification-related provisions for certain consumer refrigeration products. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting certification requirements for consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the

development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *www.energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.* DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the certification provisions for certain consumer refrigeration products is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

V. Public Participation

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking and request for comment.

List of Subjects in 10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on June 7, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 8, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE is proposing to amend part 429 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 2. Amend § 429.14 by revising paragraph (d)(2) to read as follows:

§ 429.14 Consumer refrigerators, refrigerator-freezers and freezers.

* * * * *

(d) * * *

(2) Compartment temperatures used to determine product category shall be the mean of the measured compartment temperatures for each tested unit of the basic model according to the provisions of appendix A of subpart B of part 430

of this chapter for refrigerators and refrigerator-freezers and of appendix B of subpart B of part 430 of this chapter for freezers. If a product is capable of operating with compartment temperatures as specified in multiple product category definitions in § 430.2 of this chapter, the model must be tested and certified to each applicable product category.

■ 3. Amend § 429.61 by revising paragraph (d)(2) to read as follows:

§ 429.61 Consumer miscellaneous refrigeration products.

* * * * *

(d) * * *

(2) For compartments other than cooler compartments, compartment temperatures used to determine product category shall be the mean of the measured compartment temperatures for each tested unit of the basic model according to the provisions of appendix A to subpart B of part 430 of this chapter. For cooler compartments, compartment temperatures used to determine product category shall be the mean of the measured compartment temperatures at the coldest setting for each tested unit of the basic model according to the provisions of appendix A to subpart B of part 430 of this chapter. For cooler compartments with temperatures below 39 °F (3.9 °C) but no lower than 37 °F (2.8 °C) at the coldest setting, the compartment temperatures used to determine product category shall also include the mean of the measured compartment temperatures at the warmest setting for each tested unit of the basic model according to the provisions of appendix A to subpart B of part 430 of this chapter. If a product is capable of operating with compartment temperatures as specified in multiple product category definitions in § 430.2 of this chapter, the model must be tested and certified to each applicable product category.

[FR Doc. 2022–12660 Filed 6–10–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0675; Project Identifier MCAI–2021–01406–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by unclear and incomplete placard instructions for the doghouse door lock. This proposed AD would require installing improved handling instruction placards on affected doghouses and re-identifying the doghouses, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. This proposed AD would also prohibit the installation of affected doghouses under certain conditions. 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 28, 2022.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0675.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0675; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@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–2022–0675; Project Identifier MCAI–2021–01406–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0279, dated December 15, 2021 (EASA AD 2021–0279) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model Airbus A318–111, A318–112, A318–121, A318–122, A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A319–151N, A319–153N, A319–171N, A320–211, A320–212, A320–214, A320–215, A320–216, A320–231, A320–232, A320–233, A320–251N, A320–252N, A320–253N, A320–271N, A320–272N, A320–273N, A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, A321–232, A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, A321–253NX, A321–271N, A321–271NX, A321–272N, and A321–272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by unclear and incomplete placard instructions for the doghouse door lock. A doghouse contains emergency equipment intended to minimize the effects of survivable accidents. The handling instruction for the doghouse door lock is shown on a placard installed on the doghouse door near the door lock. Following the incorrect instructions on the placard can lead to incorrect operation of the doghouse door lock.

The FAA is proposing this AD to address the potential failure of the doghouse door lock latch, which could result in locking the door in the closed position and preventing access to the emergency equipment in the doghouse, possibly resulting in injury to occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0279 specifies procedures for installing improved handling instruction placards on affected doghouses and re-identifying the doghouses, and prohibits installation of affected doghouses under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0279 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0279 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0279 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0279 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0279. Service information required by EASA AD 2021–0279 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0675 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1,825 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$(*)	$85	$155,125

*The FAA has received no definitive data on which to base the cost estimates for the replacement placards specified in this proposed AD.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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:

Airbus SAS: Docket No. FAA–2022–0675; Project Identifier MCAI–2021–01406–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 28, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

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

(2) All Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A319–151N, A319–153N, and A319–171N airplanes.

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

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

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by unclear and incomplete placard instructions for the doghouse door lock, which could lead to incorrect operation of the doghouse door lock. The FAA is issuing this AD to address the possible failure of the doghouse door lock latch, which could result in locking the door in the closed position and preventing access to the emergency equipment in the doghouse, possibly resulting in injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0279, dated December 15, 2021 (EASA AD 2021–0279).

(h) Exceptions to EASA AD 2021–0279

(1) Where EASA AD 2021–0279 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2021–0279 does not apply to this AD.

(3) Where paragraph (1) of EASA AD 2021–0279 refers to affected airplanes, replace the text ''For Group 1 aeroplanes'' with ''Group 1 airplanes except for airplanes identified in paragraph (2) of EASA AD 2021–0279.''

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

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

(j) Related Information

(1) For EASA AD 2021–0279, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0675.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

Issued on June 4, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12624 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0677; Project Identifier MCAI–2021–01378–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This proposed AD was prompted by the investigation of erroneous radio altimeter data that was displayed on an in-service airplane. It was revealed that certain radio altimeter coaxial cables used by the radio altimeter systems, in the aft fuselage equipment bay, were damaged. This proposed AD would require replacing affected radio altimeter coaxial cables. 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 28, 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 Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0677; 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: Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0677; Project Identifier MCAI–2021–01378–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–45, dated December 7, 2021 (TCCA AD CF–2021–45) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–2A12 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0677.

This proposed AD was prompted by the investigation of erroneous radio altimeter data that was displayed on an in-service airplane. It was revealed that certain radio altimeter coaxial cables, from Radio Altimeters A28 and A29 to antennas, have been reported damaged, due their light weight construction, and their proximity to the access door on the eBay. The FAA is proposing this AD to address the damage to or kinks in the radio altimeter coaxial cables which could lead to signal loss or degradation, and possibly un-annunciated loss of terrain awareness warning system aural cues during approach. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 700–91–7502, Revision 01, dated August 31, 2020. This service information describes procedures for replacing affected radio altimeter coaxial cables. The replacement includes removing the existing radio altimeter coaxial cables, replacing with new coaxial cables, installing new clamps to accommodate the coaxial bend radius along the coaxial routing, and re-routing new radio altimeter coaxial cables from the wing to fuselage fairing, in the left and right aft fuselage, and in the aft fuselage belly fairing.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 27 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
70 work-hours × $85 per hour = $5,950	$13,808	$19,758	$533,466

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2022–0677; Project Identifier MCAI–2021–01378–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 28, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, serial numbers 70006 through 70053 inclusive, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by the investigation of erroneous radio altimeter data that was displayed on an in-service airplane. It was revealed that certain radio altimeter coaxial cables in the aft fuselage equipment bay were damaged. The FAA is issuing this AD to address damage to or kinks in the radio altimeter coaxial cables, which could lead to signal loss or degradation, and possibly un-annunciated loss of terrain awareness warning system aural cues during approach.

(f) Compliance

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

(g) Replacement of Radio Altimeter Coaxial Cables

Within 12 months after the effective date of this AD, replace affected radio altimeter coaxial cables, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–91–7502, Revision 01, dated August 31, 2020, except as specified in paragraph (h) of this AD.

(h) No Reporting Requirement

Although Bombardier Service Bulletin 700–91–7502, Revision 01, dated August 31, 2020, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information identified in Bombardier Service Bulletin 700–91–7502, dated February 6, 2020.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by

the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–45, dated December 7, 2021, for related information for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0677.

(2) For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on June 6, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12623 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0758; Airspace Docket No. 22–AGL–24]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Coldwater and Sturgis, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Coldwater and Sturgis, MI. The FAA is proposing this action due to an airspace review conducted as part of the decommissioning of the Litchfield very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The geographic coordinates of the airports would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before July 28, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2022–0758/Airspace Docket No. 22–AGL–24 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 amend the Class E airspace extending upward from 700 feet above the surface at Branch County Memorial Airport, Coldwater, MI, and Kirsch Municipal Airport, Sturgis, MI, to support instrument flight rule operations at these airports.

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. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2022–0758/Airspace Docket No. 22–AGL–24.'' 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile (decreased from an 8.1-mile) radius of Branch County Memorial Airport, Coldwater, MI; removing the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2N, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (decreased from a 7-mile) radius of Kirsch Municipal Airport, MI; adding an extension 2.5 miles each side of the 052° bearing from the Sturgis NDB

extending from the 6.5-mile radius of the airport to 7 miles northeast of the NDB; adding an extension 2.5 miles each side of the 341° bearing from the Sturgis NDB extending from the 6.5-mile radius of the airport to 7 miles north of the NDB; removing the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2N; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is due to an airspace review conducted as part of the decommissioning of the Litchfield VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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

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

Regulatory Notices and Analyses

The FAA has determined that this 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Coldwater, MI [Amended]

Branch County Memorial Airport, MI
(Lat. 41°56′01″ N, long. 85°03′08″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Branch County Memorial Airport.

* * * * *

AGL MI E5 Sturgis, MI [Amended]

Kirsch Municipal Airport, MI
(Lat. 41°48′48″ N, long. 85°26′20″ W)
Sturgis NDB
(Lat. 41°48′47″ N, long. 85°26′02″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Kirsch Municipal Airport; and within 2.5 miles each side of the 052° bearing from the Sturgis NDB extending from the 6.5-mile radius of the airport to 7 miles northeast of the Sturgis NDB; and within 2.5 miles each side of the 341° bearing from the Sturgis NDB extending from the 6.5-mile radius of the airport to 7 miles north of the Sturgis NDB.

Issued in Fort Worth, Texas, on June 7, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–12638 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0692; Airspace Docket No. 22–ASW–11]

RIN 2120–AA66

Proposed Amendment of the Class E Airspace; Corsicana, TX: Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM), withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** on May 27, 2022, proposing to amend the Class E airspace at Corsicana, TX. The FAA has determined that withdrawal of the NPRM is warranted as the action has already been completed by a final rule published in the **Federal Register** on February 25, 2022.

DATES: As of June 13, 2022, the proposed rule published in the **Federal Register** on May 27, 2022 (87 FR 32104) is withdrawn.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

An NPRM was published in the **Federal Register** on May 27, 2022 (87 FR 32104) Docket No. FAA–2022–0692 to amend 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at C. David Campbell Field-Corsicana Municipal Airport, Corsicana, TX. Subsequent to publication, the FAA discovered that the proposed action was completed by a final rule, FR Doc. 2022–03995, published in the **Federal Register** on February 25, 2022 (87 FR 10714). Therefore, the FAA is withdrawing the NPRM.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2022–0692, Airspace Docket No. 22–ASW–11, published in the **Federal Register** on May 27, 2022 (87 FR 32104), is withdrawn.

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.

Issued in Fort Worth, TX, on June 7, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–12637 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0759; Airspace Docket No. 22–ASW–14]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Vinita, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Vinita, OK. The FAA is proposing this action to support the establishment of public instrument procedures at Vinita Municipal Airport, Vinita, OK.

DATES: Comments must be received on or before July 28, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2022–0759/Airspace Docket No. 22–ASW–14 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 establish Class E airspace extending upward form 700 feet above the surface at Vinita Municipal Airport, Vinita, OK, to support instrument flight rule operations at this 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. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2022–0759/Airspace Docket No. 22–ASW–14.'' 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Vinita Municipal Airport, Vinita, OK.

This action supports the establishment of public instrument procedures at Vinita Municipal Airport.

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

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

Regulatory Notices and Analyses

The FAA has determined that this 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW OK E5 Vinita, OK [Establish]

Vinita Municipal Airport, OK
(Lat. 36°36′53″ N, long. 95°09′06″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Vinita Municipal Airport.

Issued in Fort Worth, Texas, on June 7, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–12636 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0765; Airspace Docket No. 22–AAL–22]

RIN 2120–AA66

Proposed Revocation of Colored Federal Airway Red-1 (R–1) Vicinity of King Salmon, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke the Colored Federal airway Red-1 (R–1) in the vicinity of King Salmon, AK, due to the airway no longer being utilized by pilots as the overlaying United States Area Navigation (RNAV) route, T–230, provides better navigation capability with lower minimum enroute altitudes (MEA).

DATES: Comments must be received on or before July 28, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0765; Airspace Docket No 22–AAL–22 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–0765; Airspace Docket No. 22–AAL–22) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–0765; Airspace Docket No. 22–AAL–22.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRM

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

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

Background

The Alaska aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from the dependency on Non-Directional Beacon (NDB) navigational aids. The advances in technology have allowed for pilots to utilize alternate satellite-based navigation methods that are more precise for navigating the tough Alaska terrain.

During a recent study conducted by the FAA for a one year period, the FAA analyzed the utilization of the Colored Federal airway R–1 and determined it is not being utilized. Pilots prefer to use the RNAV T-route, T–230, to navigate the same airspace area. The RNAV route T–230 has been in place for many years and runs parallel to R–1 from the King Salmon, AK, VHF Omni-directional Range (VOR) to the St Paul Island, AK, NDB/Distance Measuring Equipment (NDB/DME). The satellite-based T–230 offers a lower flying altitude and more precise navigation than the NDB-based airway R–1. A radar study of R–1 usage for the past 12 months revealed no aircraft flew this airway. Air traffic control verified this study. The FAA, therefore, concluded that the use of the R–1 airway was abandoned. As such, this proposal would result in the removal of the Colored Federal airway R–1, since the air traffic service provided by this airway is no longer utilized.

To overcome the loss of the R–1 airway, alternate routings for non-global positioning system (GPS)-equipped aircraft are available from the King Salmon, AK, VOR to the St Paul Island, AK, NDB/DME using VOR Federal airway V–321, and the Colored Federal airway G–10 via the Cape Newenham NDB/DME.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke Colored Federal airway R–1, due to the airway no longer being utilized by pilots as the overlaying RNAVroute, T–230, provides better navigation capability with lower MEA.

The proposed airway amendment is described below.

R–1: R–1 currently extends between the St Paul Island, AK, NDB/DME and the Chinook AK, NDB. The FAA proposes to revoke the route in its entirety.

Colored Federal airways are published in paragraph 6009(b) 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 Colored Federal airway listed in this document would be removed subsequently from FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6009(a) Colored Federal Airways.

* * * * *

R–1 [Remove]

* * * * *

Issued in Washington, DC, on June 6, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–12588 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 4

[Docket No. TTB–2022–0005; Notice No. 211]

RIN 1513–AC29

Proposal Regarding Labeling Wines Containing Added Distilled Spirits

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to amend its wine labeling and advertising regulations to remove an existing regulatory prohibition against statements which indicate that a wine contains distilled spirits. This proposed deregulatory action will allow wine makers and importers to provide additional information to consumers about their wines, while still providing consumers with adequate and non-misleading information as to the identity and quality of the products they purchase.

DATES: Comments must be received on or before August 12, 2022.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2022–0005 as posted at *https://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking* under Notice No. 211. Alternatively, you may submit comments via postal mail to the Director, Regulations and Ruling Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. Please see the Public Participation section of this document for further information on the comments requested regarding this proposal and the submission, confidentiality, and public disclosure of comments.

FOR FURTHER INFORMATION CONTACT: Morgan Johnson, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Rulings Division; telephone 202–453–1039, ext. 217.

SUPPLEMENTARY INFORMATION:

Background

TTB Authority

Sections 105(e) and (f) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e) and (f), authorize the Secretary of the Treasury to prescribe regulations for the labeling and advertising of wine, distilled spirits, and malt beverages. The FAA Act requires that these regulations, among other things, prohibit consumer deception and the use of misleading statements on labels and in advertisements, and ensure that labels and advertisements provide the consumer with adequate information as to the identity and quality of the product.

TTB administers these FAA Act provisions pursuant to section 1111(d) of the Homeland Security Act of 2002, as codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain administrative and enforcement authorities to TTB through Treasury Order 120–01.

Current Regulatory Requirements

Part 4 of the TTB regulations (27 CFR part 4) sets forth standards promulgated under the FAA Act to ensure that wine labeling and advertising provides adequate information to consumers as to the identity and quality of the product. The TTB regulations at 27 CFR 4.39 set forth rules regarding certain wine labeling practices that could be considered deceptive or misleading, and are therefore prohibited. Among these practices, TTB regulations prohibit labeling wine to indicate that it contains distilled spirits, with one exception discussed in detail below. Specifically, § 4.39(a)(7) states that wine containers and labels may not bear ''any statement, design, device, or representation (other than a statement of alcohol content in conformity with 27 CFR 4.36) which tends to create the impression that a wine (i) Contains distilled spirits; (ii) Is comparable to a distilled spirit; or (iii) Has intoxicating qualities.''

Likewise, the TTB regulations at 27 CFR 4.64 address certain wine advertising practices that are prohibited as deceptive or misleading, and provide a similar prohibition that applies to labeling. Specifically, § 4.64(a)(8) provides that wine advertisements may not contain any statement, design, device, or representation which tends to create the impression that a wine contains distilled spirits, is comparable to distilled spirits, or has intoxicating qualities.

These labeling and advertising provisions were promulgated in the 1930s after the repeal of Prohibition, likely as a measure to prevent winemakers from misrepresenting to consumers that their wine contained or was comparable to distilled spirits. In the one exception to this prohibition, if a statement of composition is required to appear as the designation of a product not defined in part 4, the statement of composition may include a reference to the type of distilled spirits that has been added to the wine.

At 27 CFR 4.21, the TTB regulations set forth categories of wine that help identify the composition, character, and origin of the wine. These identifiers are known as class and type designations. For example, ''grape wine'' is a class of wine, and ''Muscadine'' is a type of grape wine. This section also sets forth the standards for those classes and types, referred to in this document as ''standards of identity.'' The consistent and accurate designation of wine leads to consumer and trade understanding of the quality and identity of the wine. The standards of identity specifically recognize that certain types of distilled spirits may be added to certain classes of wine, that is, to grape wine, fruit wine, agricultural wine, and aperitif wine. See § 4.21(a), (e), (f), and (g), respectively. However, because of the prohibitions in §§ 4.39(a)(7) and 4.64(a)(8) regarding references to distilled spirits, wine bottlers generally have not been able to state on the label or in advertising that those wines contain spirits.

If a wine does not meet any of the defined standards of identity, the wine label must bear, instead of a class and type designation, a statement of composition. See 27 CFR 4.34(a). In such cases, the statement of composition may include a reference to the type of distilled spirits contained in the wine. See §§ 4.39(a)(7) and 4.64(a)(8). In these instances, statements of composition serve as the product's class and type designation and must adequately reflect the composition and character of the product. For instance, a raspberry-flavored grape wine that contains brandy may be labeled as ''Grape wine with natural flavor and apple brandy.''

Petition From Sweet and Fortified Wine Association

The Sweet and Fortified Wine Association, a wine industry trade group, submitted a petition to TTB requesting that the regulations be revised to allow dessert grape wines to be labeled with the words ''fortified'' and/or ''grape (wine) spirits added.'' These industry members produce wines that are typically standard grape wines in the style of port, sherry, madeira, or other types of dessert wine which contain added brandy or other distilled spirits. However, as discussed above, § 4.39(a)(7) prohibits statements on standard wines (*i.e.* wines which meet a class and type designation) which indicate that the wine contains distilled spirits.

According to the petition, allowing label statements that disclose the presence of added spirits in a wine will provide greater information to consumers, while prohibiting producers from fully disclosing the presence of added spirits could be misleading and is not consistent with TTB's consumer protection mission. Additionally, the petitioner asserts that producers of fortified wines are finding it difficult to accurately communicate on the label that a wine has been fortified with spirits since most semi-generic names for fortified wines, such as ''port'' or

''sherry,'' are now prohibited by law from appearing on domestic wine labels (unless approved by TTB prior to March 10, 2006). See 26 U.S.C. 5388(c).[1] The petitioner believes that this puts producers of new fortified wines at a competitive disadvantage in the market place.

The petitioner contends that § 4.39(a)(7) is an antiquated and archaic regulation that is irrelevant to American wine consumers in the 21st century. The petitioner argues that concerns from the post-Prohibition era that terms such as ''fortified'' imply significant alcohol content or could increase the incidence of intoxication have little bearing on reality. Instead, according to the petitioner, most fortified wines have an alcohol content of 18 to 19 percent, which the petitioner asserts is only slightly higher than what many unfortified wines achieve as a result of natural fermentation and winemaking practices.

According to the petition, it is the petitioner's understanding that TTB previously suggested that using the term ''fortified'' on a label could be problematic because the term ''fortified'' has a meaning for consumers under the U.S. Food and Drug Administration (FDA) regulations regarding the labeling of products with added vitamins, minerals, or protein. The petitioner asserts that consumers will not be confused by the word ''fortified'' because the word has a different meaning when applied to wine than it does when applied to food. The petitioner supports its claim by stating that these alternate meanings can be found in dictionary definitions of ''fortified.'' As one such example, the petitioner notes that Merriam–Webster defines ''fortified wine'' as a wine to which alcohol, usually in the form of grape brandy, has been added during or after fermentation. Additionally, the petitioner notes that TTB regulations use the word ''fortification'' to mean containing added spirits, citing the definition of ''added brandy'' in 27 CFR 4.10.

Finally, the petitioner contends that TTB's wine labeling regulations are confusing and inconsistent regarding the addition of spirits, since the standard of identity for grape wine at § 4.21(a)(6) permits the addition of alcohol to a dessert grape wine, while § 4.39(a)(7) prohibits the producer from referencing the presence of added alcohol on the wine's label, except where it appears in a required statement of composition.

Historical Usage of Terms Such as ''Fortified Wine''

The earliest wine labeling regulations issued by the Department of the Treasury under the authority of the FAA Act included a standard of identity for ''fortified wine'' as a class of wine. In the 1938 edition of the Code of Federal Regulations, the wine labeling regulations in 27 CFR part 4 listed ''fortified wine'' as class six in § 4.21, the regulation which contains the standards of identity for wine. Paragraph (f) of § 4.21 defined ''fortified wine,'' in part, as a ''product made with the addition of such brandy or alcohol as is permitted under internal-revenue laws.''

However, on August 26, 1938, the Department of the Treasury issued Regulations No. 4, Amendment No. 2, which, among other revisions, removed the fortified wine class from part 4 (3 FR 2093). That same rulemaking also added in § 4.39(a)(7) and § 4.64(a)(8), which contain prohibitions on statements related to added alcohol that are very similar to today's § 4.39(a)(7) and § 4.64(a)(8). Statements were prohibited if they created ''the impression that the wine has been 'fortified' or contains distilled spirits, or has intoxicating qualities,'' except that a statement of composition, if required to appear as the designation of a product not defined in the regulations, could include a reference to the type of distilled spirits added to the wine.

These regulatory changes were not accompanied by an explanation. However, TTB has reviewed comments from wine industry members made during the rulemaking process regarding the word ''fortified.'' For example, prior to the issuance of the finalized regulations, a trade association representative expressed concerns in a July 28, 1938 memo that the word ''fortified'' had an ''inference that the product contains a special alcoholic 'kick,' '' and was therefore a selling point for certain consumers.

More recently, the word ''fortified'' has assumed another regulatory meaning when applied to foods and beverages. TTB has in the past advised that it viewed the idea of using ''fortified'' to describe certain grape wines as problematic, given that FDA regulations at 21 CFR 104.20(h)(3) define the word ''fortified'' to describe foods with added vitamins, minerals, or protein. Given the current use of the word ''fortified'' as established under FDA regulations, TTB previously took the position that authorizing the use of the term ''fortified'' in a way inconsistent with the FDA regulations could create consumer confusion.

TTB Analysis

After further consideration, TTB agrees with the petitioner that allowing a wine producer to disclose the presence of added spirits in a wine has the potential to provide more information to consumers, and provides producers with greater flexibility to better communicate the nature of their products to consumers. TTB also agrees that the wine industry has changed significantly since the 1930s. However, TTB is still charged by the FAA Act with ensuring that wine is labeled in such a way that consumers are not misled about the identity or quality of the product. For example, consumers should be able to readily determine that a product is wine and not a distilled spirit, and that a wine contains added distilled spirits, not vitamins.

With these concerns in mind, TTB is proposing for public comment an amendment to its regulations to allow for a specific type of reference to a wine with added distilled spirits. We believe that such references will not be misunderstood by or be misleading to consumers, and will allow for truthful information related to the identity of the product to be conveyed. Specifically, TTB is proposing to amend § 4.39(a)(7) and § 4.64(a)(8) to provide that even for wines that meet a standard of identity, if a wine contains added distilled spirits, a statement of composition may be used which indicates that distilled spirits have been added.

As discussed earlier, a statement of composition serves as the product's class and type designation when a product does not meet one of the

[1] A semi-generic name is a name of geographic significance which may also serve as a class and type designation. Examples of semi-generic names include: Burgundy, Claret, Chablis, Champagne, Chianti, Malaga, Marsala, Madeira, Moselle, Port, Rhine Wine (syn. Hock), Sauterne, Haut Sauterne, Sherry, and Tokay. On March 10, 2006, the Agreement between the United States (U.S.) and the European Union (EU) on Trade in Wine (''the Wine Agreement'') was signed. As part of the Wine Agreement, the U.S. agreed to seek to change the legal status of those names to restrict their use solely to wines originating in the applicable EU Member State, with certain exceptions for ''grandfathered'' names. Shortly thereafter, section 422 of the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432) amended section 5388 of the Internal Revenue Code (26 U.S.C. 5388) to implement Article 6 of the Wine Agreement. The effect of this change in law is to restrict use of the semi-generic terms referenced in the Wine Agreement to wines originating in the geographic region indicated by the name. Under Article 6.2 of the Wine Agreement and 26 U.S.C. 5388, there is a ''grandfather'' provision that allows a person or his or her successor in interest using one of the names in the United States before March 10, 2006, to continue using the name, provided that the name is only used on labels for wine bearing the brand name, or the brand name and fanciful name, if any, for which the applicable Certificate of Label Approval (COLA) was issued prior to the date of signature of the Wine Agreement.

standards of identity in § 4.21, that is, it is a wine specialty product. The statement of composition must adequately reflect the composition and character of the product. Under the current regulation, the statement of composition for a wine specialty product may reference any distilled spirits that have been added to the product. Under the proposed regulation, wines that do meet a standard of identity could also be labeled with truthful references to added distilled spirits. Thus, for example, a product that meets the standard of identity for grape dessert wine in § 4.21(a) may be labeled with a statement of composition such as ''Grape wine with added brandy.'' The proposed regulations would apply to any wine that contains added distilled spirits, and not just to dessert grape wines as proposed by the petitioner.

Additionally, the proposed regulations would allow the use of the word ''fortified'' as part of such a statement of composition—for example, ''Grape wine fortified with brandy.'' TTB is therefore including an example of this use of ''fortified'' in the proposed regulatory text. TTB believes that when the word ''fortified'' is used in this context there will be no misunderstanding that the statement indicates that the wine contains added vitamins, minerals, or protein. We welcome comments specifically regarding this proposal.

Further, TTB is proposing to revise §§ 4.39(a)(7)(i) and 4.64(a)(8)(i), which prohibit any statement, design, device, or representation which tends to create the impression that a wine contains distilled spirits. Under the proposal, the revision would specifically prohibit only those statements that would be false or misleading, such as, for example, a representation that created the impression that the wine contained distilled spirits when it did not. TTB also is proposing additional language that would state that when a wine does contain added distilled spirits, the wine may be labeled with a statement of composition referencing the type of distilled spirit that has been added. In general, under this proposal, a distilled spirits reference would be permissible on a wine label or in an advertisement for a wine, provided that the reference is neither false nor misleading. Similarly, under this proposal, a distilled spirits reference that appeared as part of a truthful and accurate statement of composition would not be considered misleading, as it would provide a context that more clearly communicates to the consumer that the added distilled spirit is merely an ingredient in the wine, and that the product is not a distilled spirits product. However, we invite comments on this issue.

Public Participation

Comments Sought

TTB requests comments from interested members of the public. TTB is particularly interested in comments regarding whether the proposed amendments will result in statements on wine labels that could be misleading to consumers about the product. We are also interested in comments about whether a statement of composition which indicates that a wine is ''fortified'' with spirits could create the impression that the wine contains added vitamins, minerals, or protein. Please provide specific information in support of your comments.

Prior to the publication of this rulemaking, TTB published Notice No. 176 in the **Federal Register** on November 26, 2018 (83 FR 60562), which proposed to reorganize and recodify 27 CFR part 4 in order to simplify and clarify regulatory standards, and to incorporate guidance documents and current policy into the regulations. In Notice No. 176, TTB proposed to continue its current policy of allowing a reference to added distilled spirits only on the labels of wine that require a statement of composition while prohibiting such references on wines that do not require a statement of composition. Notice No. 176 also did not specifically propose to allow the use of the term ''fortified'' as a part a statement of composition as this notice of proposed rulemaking does.

TTB is taking this separate rulemaking action to address only the specific circumstances described in this document. As the comment period for Notice No. 176 has closed, TTB will consider any relevant comments it received in response to Notice No. 176 along with any comments made in response to this specific rulemaking in determining what action to take on this proposal.

Submitting Comments

You may submit comments on this proposal as an individual or on behalf of a business or other organization via the *Regulations.gov* website or via postal mail, as described in the **ADDRESSES** section of this document. Your comment must reference Notice No. 211 and must be submitted or postmarked by the closing date shown in the **DATES** section of this document. You may upload or include attachments with your comment. You also may submit a comment requesting a public hearing on this proposal. The TTB Administrator reserves the right to determine whether to hold a public hearing. If TTB schedules a public hearing, it will publish a notice of the date, time, and place for the hearing in the **Federal Register**.

Confidentiality and Disclosure of Comments

All submitted comments and attachments are part of the rulemaking record and are subject to public disclosure. Do not enclose any material in your comments that you consider confidential or that is inappropriate for disclosure.

TTB will post, and you may view, copies of this document, its supporting materials, and any comments TTB receives about this proposal within the related *Regulations.gov* docket. In general, TTB will post comments as submitted, and it will not redact any identifying or contact information from the body of a comment or attachment.

Please contact TTB's Regulations and Rulings division by email using the web form available at *https://www.ttb.gov/contact-rrd,* or by telephone at 202–453–2265, if you have any questions regarding comments on this proposal or to request copies of this document, its supporting materials, or the comments received in response.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, will not have a significant economic impact on a substantial number of small entities. TTB is proposing to amend its wine labeling and advertising regulations to remove an existing regulatory prohibition against statements which indicate that a wine contains distilled spirits. This proposed deregulatory action will allow wine makers and importers to provide additional information to consumers about their wines, while still providing consumers with adequate and non-misleading information as to the identity and quality of the products they purchase. The proposed amendments merely provide optional, additional flexibility in wine labeling and advertising decisions. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Jennifer Berry of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, drafted this document.

List of Subjects in 27 CFR Part 4

Administrative practice and procedure, Advertising, Customs duties and inspection, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Trade practices, Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend 27 CFR, chapter I, part 4 as set forth below:

PART 4—LABELING AND ADVERTISING OF WINE

■ 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

■ 2. Section 4.39 is amended by:
■ a. Revising paragraphs (a)(7) introductory text and (a)(7)(i); and
■ b. Removing the undesignated paragraph located after paragraph (a)(7)(iii).

The revisions reads as follows:

§ 4.39 Prohibited practices.

(a) * * *

(7) Any statement, design, device, or representation (other than a statement of alcohol content in conformity with § 4.36), which tends to create a misleading or inaccurate impression that a wine:

(i) Contains distilled spirits. (A wine that contains added distilled spirits may be labeled with an accurate statement of composition which references the type of distilled spirits that have been added, for example, ''grape wine fortified with apple brandy,'' or ''apple wine with apple neutral spirits,'' and not be considered misleading.);

(ii) * * *

(iii) * * *

* * * * *

■ 3. Section 4.64 is amended by revising paragraph (a)(8), including the undesignated concluding paragraph, to read as follows:

§ 4.64 Prohibited practices.

(a) * * *

(8) Any statement, design, device, or representation which relates to alcohol content or which tends to create a misleading or inaccurate impression that a wine:

(i) Contains distilled spirits. (A wine that contains added distilled spirits may be labeled with an accurate statement of composition which references the type of distilled spirits that have been added, for example, ''grape wine fortified with apple brandy,'' or ''apple wine with apple neutral spirits,'' and not be considered misleading.);

* * * * *

■ 3. Section 4.64 is amended by revising paragraph (a)(8) to read as follows:

§ 4.64 Prohibited practices.

(a) * * *

(8)(i) Any statement, design, device, or representation which relates to alcohol content or which tends to create a misleading or inaccurate impression that a wine:

(A) Contains distilled spirits. (A wine that contains added distilled spirits may be designated with an accurate statement of composition which references the type of distilled spirits that have been added, for example, ''grape wine fortified with apple brandy,'' or ''apple wine with apple neutral spirits,'' and not be considered misleading.); (B) Is comparable to a distilled spirit;

(C)) Has intoxicating qualities.

(ii) An approved wine label, which bears the statement of alcohol content, may be depicted in any advertising media, or an actual wine bottle showing the approved label bearing the statement of alcohol content may be displayed in any advertising media.

* * * * *

Signed: May 27, 2022.

Mary G. Ryan,

Administrator.

Approved: May 27, 2022.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2022–11901 Filed 6–10–22; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0289]

RIN 1625–AA00

Safety Zones in Reentry Sites; Jacksonville, Daytona, Cape Canaveral, Tampa, and Tallahassee, Florida

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would implement a special activities provision of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. The Coast Guard is proposing to establish five temporary safety zones for the safe splashdown and recovery of reentry vehicles launched by Space Exploration Technologies Corporation (SpaceX) in support of National Aeronautics and Space Administration (NASA) missions for the remainder of 2022. The proposed temporary safety zones are located within the Coast Guard District Seven area of responsibility (AOR) offshore of Jacksonville, Daytona, Cape Canaveral, Tampa, and Tallahassee, Florida. This proposed rule would prohibit U.S.-flagged vessels from entering any of the temporary safety zones unless authorized by the District Commander of the Seventh Coast Guard District or a designated representative. Foreign-flagged vessels would be encouraged to remain outside the safety zones. This action is necessary to protect vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations in the U.S. Exclusive Economic Zone (EEZ). It is also necessary to provide for the safe recovery of reentry vehicles, and any personnel involved in reentry services, after the splashdown. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 13, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0289 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 Junior Grade Stephanie Miranda, District 7 Waterways Division (dpw), U.S. Coast Guard; telephone (305) 415–6748, email *Stephanie.L.Miranda@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
EEZ Exclusive Economic Zone
FAA Federal Aviation Administration
FL Florida
FR Federal Register
MSIB Marine Safety Information Bulletin

NASA National Aeronautics and Space Administration
NM Nautical Mile
NPRM Notice of Proposed Rulemaking
§ Section
SpaceX Space Exploration Technologies Corporation
U.S. United States
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On January 1, 2021, the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283) (Authorization Act) was enacted. Section 8343 (134 Stat. 4710) calls for the Coast Guard to conduct a two-year pilot program to establish and implement a process to establish safety zones to address special activities in the U.S. Exclusive Economic Zone (EEZ).[1] These special activities include space activities [2] carried out by United States (U.S.) citizens. Terms used to describe space activities, including *launch, reentry site, and reentry vehicle,* are defined in 51 U.S.C. 50902, and in this document.

The Coast Guard has long monitored space activities impacting the maritime domain and taken actions to ensure the safety of vessels and the public as needed during space launch [3] operations. In conducting this activity, the Coast Guard engages with other government agencies, including the Federal Aviation Administration (FAA) and National Aeronautics and Space Administration (NASA), and private space operators, including Space Exploration Technologies Corporation (SpaceX). This engagement is necessary to ensure statutory and regulatory obligations are met to ensure the safety of launch operations and waterway users.

During this engagement, the Coast Guard was informed of space reentry vehicles and recovery operations in the U.S. EEZ. Section 50902 of 51 U.S.C. defines ''reentry vehicle'' as a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from Earth orbit or outer space to Earth, substantially intact. SpaceX, a U.S. company, has identified five reentry sites [4] within the U.S. EEZ of the Coast Guard District Seven area of responsibility (AOR) expected to be used for the splashdown [5] and recovery of reentry vehicles. All of these sites are off the coast of Florida (FL)—three are located in the Atlantic Ocean and two are located in the Gulf of Mexico.

On April 20, 2022, we published a temporary final rule in the **Federal Register** (87 FR 23441) for two anticipated reentry vehicle recovery missions within the Coast Guard District Seven AOR offshore of Jacksonville, Daytona, Cape Canaveral, Tampa, and Tallahassee, FL, from April 17, 2022, through May 15, 2022. Based on the date the Coast Guard was informed of the reentry, and the immediate need to establish the safety zone, the Coast Guard did not have sufficient time to publish a notice of proposed rulemaking (NPRM) for that rule.

The purpose of this rulemaking is to ensure the protection of vessels and waterway users in the U.S. EEZ from the potential hazards created by reentry vehicle splashdowns and recovery operations, and the safe recovery of reentry vehicles and personnel involved in reentry services.[6] The Coast Guard is proposing this rulemaking under authority of section 8343 of the Authorization Act.

III. Discussion of Proposed Rule

The Coast Guard is proposing to establish five temporary safety zones in the U.S. EEZ for the safe reentry vehicle splashdown and recovery of reentry vehicles launched by SpaceX in support of NASA missions through the remainder of 2022.

The proposed temporary safety zones are located within the Coast Guard District Seven AOR offshore of Jacksonville, Daytona, and Cape Canaveral, FL, in the Atlantic Ocean, and Tampa and Tallahassee, FL, in the Gulf of Mexico. The proposed rule would prohibit U.S.-flagged vessels from entering any of the safety zones unless authorized by the District Commander of the Seventh Coast Guard District or a designated representative. Because the safety zones are within the U.S. EEZ, only U.S.-flagged vessels would be subject to enforcement. However, all foreign-flagged vessels would be encouraged to remain outside the safety zones.

Three of the five proposed temporary safety zones are located off the coast of FL in the Atlantic Ocean in the following areas: (1) Approximately 65 nautical miles (NM) northeast from Jacksonville; (2) 29 NM northeast from Daytona; and (3) 17 NM east from Port Canaveral. The remaining two proposed temporary safety zones are located off the coast of FL in the Gulf of Mexico in the following areas: (1) Approximately 58 NM northwest from Tampa Bay; and (2) 43 NM south from Tallahassee. The Jacksonville, Daytona, Cape Canaveral, and Tampa safety zones have an approximate area of 256 square miles, and are diamond shaped with the top point of the diamond pointing to the North. The Tallahassee safety zone is approximately 59 square miles in size and is triangular in shape. The Tallahassee safety zone, as provided by NASA and SpaceX, is the same size and shape as the other four safety zones; however, only a portion of the safety zone is within the jurisdiction of the Seventh Coast Guard District, so only the 59 square miles is included in this proposed rule. The remaining portion of the safety zone falls within the Coast Guard District Eight AOR.

The coordinates for the safety zones are based on the furthest north, east, south, and west points of the reentry vehicles splashdown and are determined from data and modeling by SpaceX and NASA. The coordinates take into account the trajectories of the reentry vehicles coming out of orbit, the potential risk to the public, and the proximity to medical facilities that meet NASA requirements. The specific coordinates for the five temporary safety zones are presented in the regulatory text at the end of this document.

To the extent feasible, the District Commander or a designated representative would inform the public of the activation of the five temporary safety zones by Notice of Enforcement (NOE) published in the **Federal Register** at least two days before the reentry vehicle splashdown. The NOE would identify the approximate date(s) during which a reentry vehicle splashdown and recovery operations would occur.

To the extent possible, twenty-four hours before a reentry vehicle splashdown and recovery operations, the District Commander or designated representative would inform the public that only one of the five safety zones would remain activated (subject to enforcement) until announced by Broadcast Notice to Mariners (BNM) on VHF–FM channel 16, and/or Marine Safety Information Bulletin (MSIB) (as appropriate) that the safety zone is no longer subject to enforcement. The specific temporary safety zone to be enforced would be based on varying

[1] The Coast Guard defines the U.S. *exclusive economic zone* in 33 CFR 2.30(a). *Territorial sea* is defined in 33 CFR 2.22.

[2] *Space Activities* means space activities, including launch and reentry, as such terms are defined in section 50902 of Title 51, United States Code, carried out by United States citizens.

[3] The term *launch* is defined in 51 U.S.C. 50902.

[4] *Reentry site* means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the FAA Administrator issues or transfers under this chapter).

[5] *Splashdown* refers to the landing of a reentry vehicle into a body of water.

[6] *Reentry Services* means (1) activities involved in the preparation of a reentry vehicle and payload, crew (including crew training), government astronaut, or space flight participant, if any, for reentry; and (2) the conduct of a reentry.

mission and environmental factors, including atmospheric conditions, sea state, weather, and orbital calculations.

The MSIB would include the geographic coordinates of the activated safety zone, a map identifying the location of the activated safety zone, and information related to potential hazards associated with a reentry vehicle splashdown and recovery operations associated with space activities, including marine environmental and public health hazards, such the release of hydrazine and other potential oil or hazardous substances.

When the safety zone is activated, the District Commander or a designated representative would be able to restrict U.S.-flagged vessel movement including but not limited to transiting, anchoring, or mooring within the safety zone to protect vessels from hazards associated with space activities. The activated safety zone would ensure the protection of vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations. This includes protection during the recovery of a reentry vehicle, and the protection of personnel involved in reentry services and space support vessels.[7]

After a reentry vehicle splashdown, the District Commander or a designated representative would grant general permission to come no closer than 3 NM within the activated safety zone from any reentry vehicle or space support vessel engaged in the recovery operations. The recovery operations are expected to last approximately one hour. That should allow for sufficient time to let any potential toxic materials clear the reentry vehicle, recovery of the reentry vehicle by the space support vessel, and address any potential medical evacuations for any personnel involved in reentry services that were onboard the reentry vehicle.

Once a reentry vehicle and any personnel involved in reentry services are removed from the water and secured onboard a space support vessel, the District Commander or designated representative would issue a BNM on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement. A photograph of a reentry vehicle and space support vessel expected to use the reentry sites are available in the docket.

[7] *Space Support Vessel* means any vessel engaged in the support of space activities. These vessels are typically approximately 170 feet in length, have a forward wheelhouse, and are equipped with a helicopter pad and lifting crane.

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, duration, and scope of the temporary safety zones. The temporary safety zones are limited in size and location to only those areas where reentry vehicles splashdown and recovery operations occur. The safety zones are limited in scope, as vessel traffic would be able to safely transit around the activated safety zone which will only impact a small part of the U.S. EEZ within the Atlantic Ocean and Gulf of Mexico. The proposed rule involves the establishment of five temporary safety zones which would be activated two days before a reentry vehicle splashdown and recovery operations. Twenty-four hours before a reentry vehicle splashdown, one of the five temporary safety zones would remain active. After a reentry vehicle splashdown, general permission would be granted to come no closer than 3 NM within the activated safety zone. There is a danger associated with fumes from the reentry vehicle after it has splashed down. Once a reentry vehicle and any personnel involved in reentry services are removed from the water and secured onboard a space support vessel, the activated safety zone would no longer be subject to enforcement. The activated safety zone would ensure the protection of vessels and waterway users from the potential hazards created by a reentry vehicle splashdown and recovery operations and the recovery of a reentry vehicle, personnel involved in reentry services, and space support vessel.

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.

The safety zones are only expected to last a few hours from reentry vehicle splashdown to recovery. Vessels will be able to transit around the activated safety zone location during these recoveries. We do not anticipate any significant economic impact resulting from activation of the safety zones.

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 the establishment of five temporary safety zones which would be activated two days before a reentry vehicle splashdown and recovery operations. Twenty-four hours before a reentry vehicle splashdown, one of the five temporary safety zones would remain active. After a reentry vehicle splashdown, general permission would be granted to come no closer than 3 NM within the activated safety zone. Once a reentry vehicle and any personnel involved in reentry services are removed from the water and secured onboard a space support vessel, the activated safety zone would no longer be subject to enforcement. 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–2022–0289 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 is revised to read as follows:

Authority: 46 U.S.C. 70034, 70051; section 8343 of Pub. L. 116–283, 134 Stat. 3388, 4710; 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.T07–0289 to read as follows:

§ 165.T07–0289 Safety Zones in Reentry Sites; Jacksonville, Daytona, Cape Canaveral, Tampa, and Tallahassee, Florida.

(a) *Location.* The coordinates used in this paragraph are based on the World Geodetic System (WGS) 1984. The following areas are safety zones:

(1) *Jacksonville Site.* All waters from surface to bottom encompassed within a line connecting the following points: Point 1, thence to Point 2, thence to Point 3, thence to Point 4, and then back to Point 1.

TABLE TO PARAGRAPH (a)(1)

Point 1	31°06′28″ N	080°15′00″ W
Point 2	30°55′01″ N	080°01′40″ W
Point 3	30°43′30″ N	080°15′00″ W
Point 4	30°55′01″ N	080°28′19″ W

(2) *Daytona Site.* All waters from surface to bottom encompassed within a line connecting the following points: Point 1, thence to Point 2, thence to Point 3, thence to Point 4, and then back to Point 1.

TABLE TO PARAGRAPH (a)(2)

Point 1	29°59′27″ N	080°40′01″ W
Point 2	29°48′00″ N	080°26′52″ W
Point 3	29°36′32″ N	080°40′01″ W
Point 4	29°48′00″ N	080°53′09″ W

(3) *Cape Canaveral Site.* All waters from surface to bottom encompassed within a line connecting the following points: Point 1, thence to Point 2, thence to Point 3, thence to Point 4, and then back to Point 1.

TABLE TO PARAGRAPH (a)(3)

Point 1	29°02′27″ N	080°13′48″ W
Point 2	28°51′00″ N	080°00′46″ W
Point 3	28°39′32″ N	080°13′48″ W
Point 4	28°51′00″ N	080°26′49″ W

(4) *Tampa Site.* All waters from surface to bottom encompassed within a line connecting the following points: Point 1, thence to Point 2, thence to Point 3, thence to Point 4, and then back to Point 1.

TABLE TO PARAGRAPH (a)(4)

Point 1	28°17′27″ N	083°54′00″ W
Point 2	28°06′00″ N	083°41′02″ W
Point 3	27°54′32″ N	083°54′00″ W
Point 4	28°06′00″ N	084°06′57″ W

(5) *Tallahassee Site.* All waters from surface to bottom encompassed within a line connecting the following points: Point 1, thence to Point 2, thence to Point 3, and then back to Point 1.

TABLE TO PARAGRAPH (a)(5)

Point 1	29°22′38″ N	084°05′20″ W
Point 2	29°16′58″ N	083°58′55″ W
Point 3	29°06′20″ N	084°11′12″ W

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

Designated representative means a Coast Guard Captain of the Port (COTP) in the Seventh Coast Guard District; Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel; Coast Guard Representatives in the Merrill Operations Center; and other officers designated by the District Commander of the Seventh Coast Guard District or cognizant COTP.

District Commander means Commander of the Seventh Coast Guard District.

Reentry Services means activities involved in the preparation of a reentry vehicle and payload, crew (including crew training), government astronaut, or space flight participant, if any, for reentry; and the conduct of a reentry.

Reentry vehicle means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from Earth orbit or outer space to Earth, substantially intact.

Space Support Vessel means any vessel engaged in the support of space activities. These vessels are typically approximately 170 feet in length, have a forward wheelhouse, and are equipped with a helicopter pad and lifting crane.

Splashdown means the landing of a reentry vehicle into a body of water.

(c) *Regulations.* (1) Because the safety zones described in paragraph (a) of this section are within the U. S. Exclusive Economic Zone, only U.S.-flagged vessels are subject to enforcement. All foreign-flagged vessels are encouraged to remain outside the safety zones.

(2) In accordance with the general regulations in 33 CFR part 165, subpart C, no U.S.-flagged vessel may enter the safety zones described in paragraph (a) of this section unless authorized by the District Commander or a designated representative, except as provided in paragraph (d)(3) of this section.

(d) *Notification of Enforcement.* (1) To the extent feasible, the District Commander or a designated representative will inform the public of the activation of the five safety zones described in paragraph (a) of this section by Notice of Enforcement published in the **Federal Register** at least two days before the splashdown.

(2) To the extent possible, twenty-four hours before a reentry vehicle splashdown, the District Commander or designated representative will inform the public that only one of the five safety zones described in paragraph (a) will remain activated until announced by Broadcast Notice to Mariners on VHF–FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement.

(3) After a reentry vehicle splashdown, the District Commander or a designated representative will grant general permission to come no closer than 3 nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in paragraph (a) of this section.

(4) Once a reentry vehicle, and any personnel involved in reentry service, are removed from the water and secured onboard a space support vessel, the District Commander or designated representative will issue a Broadcast Notice to Mariners on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement.

(e) *Effective period.* This section is effective from [EFFECTIVE DATE OF FINAL RULE] through December 31, 2022.

Dated: June 6, 2022.

Brendan C. McPherson,

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

[FR Doc. 2022–12540 Filed 6–10–22; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

Parcels Prepared in Soft Packaging

AGENCY: Postal Service™.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Postal Service is withdrawing the proposed rule that would have added new subsections to establish parcel selvage standards and to clarify how to measure parcels prepared in soft packaging.

DATES: The proposed rule published on March 24, 2022 (87 FR 16700), is withdrawn effective [immediately or June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Karen F. Key at (202) 268–7492 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: In the proposed rule that was published in the **Federal Register** on March 24, 2022, the Postal Service proposed to implement a two-inch maximum of selvage on the length and the width of a parcel prepared in soft packaging and to provide a clarification defining how to measure parcels prepared in soft packaging to generally determine the length, width, and height of the mailpiece.

In consideration of concerns expressed by members of the mailing community during the proposed rule comment period, the Postal Service has elected to withdraw the proposed rule.

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–12596 Filed 6–10–22; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0673; FRL–9878–01–R6]

Air Plan Approval; Albuquerque-Bernalillo County, New Mexico; Excess Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA, the Act), the Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision from the New Mexico Environment Department (NMED) submitted on October 17, 2016, on behalf of the

Albuquerque-Bernalillo County Air Quality Control Board (Air Board). The October 17, 2016 submittal is in response to the EPA's national SIP call on June 12, 2015, concerning excess emissions during periods of Startup, Shutdown, and Malfunction (SSM). The submittal requests the removal of the provisions identified in the 2015 SIP call from the New Mexico SIP. EPA is proposing to determine that the withdrawal of the substantially inadequate provisions from the SIP corrects the deficiency identified in the June 12, 2015 SIP call.

DATES: Comments must be received on or before July 13, 2022.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0673 at *https://www.regulations.gov* or via email to *Shar.alan@epa.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Mr. Alan Shar, (214) 665–6691, *Shar.alan@epa.gov*. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Regional Haze and SO_2 Section, EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (214) 665–6691, *Shar.alan@epa.gov*. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

Table of Contents

I. Background

A. EPA's 2015 SSM SIP Action

On February 22, 2013, EPA issued a **Federal Register** proposed rulemaking action 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 the EPA determined to be inconsistent with the CAA, the 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 D.C. Circuit decision that determined the CAA precludes authority of the EPA to create affirmative defense provisions.[2] 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 Act to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate (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), hereafter 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 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. Included was a SIP call to Albuquerque-Bernalillo County, New Mexico, and the detailed rationale for the issuance of that SIP call can be found in the 2015 SSM SIP Action and the preceding proposed actions. The EPA is not reopening the 2015 SSM SIP Action here.

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.[3] 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 Albuquerque-Bernalillo County, New Mexico in 2015. The 2020 Memorandum did, however, indicate the EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether the EPA should maintain, modify, or

[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) Feb. 22, 2013.

[2] The term affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

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

withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced the EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[4] 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.[5] The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of 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.

B. New Mexico's Part 49 Provisions on Excess Emissions

New Mexico Administrative Code (NMAC), Title 20 Environmental Protection, Chapter 11 Albuquerque-Bernalillo County Air Quality Board, Part 49 Excess Emissions (20.11.49 NMAC) (hereinafter ''Part 49'') was approved by the EPA into the New Mexico SIP on February 4, 2010, and became federally effective on April 5, 2010.

As a part of the EPA's 2015 SSM SIP Action, the EPA made a finding that certain provisions in Part 49—namely, 20.11.49.16.A NMAC, 20.11.49.16.B NMAC, and 20.11.49.16.C NMAC of the New Mexico SIP—are substantially inadequate to meet CAA requirements, and thus issued a SIP call with respect to these provisions because these provisions provide for an affirmative defense.[6] Although not part of the finding in the 2015 SIP call, the EPA noted that removal of 20.11.49.16.A NMAC, 20.11.49.16.B NMAC and 20.11.49.16.C NMAC from the New Mexico SIP would render other sections of 20.11.49 NMAC of the New Mexico SIP superfluous and no longer operative.[7]

II. Analysis of SIP Submission

In response to the EPA's June 12, 2015 SIP call, NMED (on behalf of the Air Board) requested by letter dated October 17, 2016, that the EPA approve the removal of 20.11.49 NMAC in its entirety from the New Mexico SIP, including the three provisions found by EPA's June 12, 2015 SIP call to be substantially inadequate to meet CAA requirements.[8] The removal of 20.11.49 NMAC from the New Mexico SIP eliminates the provisions related to excess emissions, including the affirmative defense provisions identified in the June 12, 2015 SIP call. EPA believes that removal of 20.11.49 NMAC from the New Mexico SIP will not affect the adequacy of the remaining portions of the New Mexico SIP.

Although not part of the SIP submittal at issue in this proposed rulemaking, the Air Board amended Part 49 on September 14, 2016, to replace the affirmative defense provisions with ''state-only'' enforcement discretion provisions. EPA has reviewed the language of 20.11.49 NMAC, as amended, and notes that the enforcement discretion criteria apply only to the State's own enforcement personnel and not to the EPA or others.[9] Therefore, if finalized as proposed, the New Mexico SIP applicable to sources located in Albuquerque-Bernalillo County will not include specific provisions relating to excess emissions during SSM periods; however, Part 49, as amended, does provide ''state-only'' enforcement discretion provisions applicable to excess emissions by such sources and how violations related to excess emissions will be handled by state enforcement personnel.

The submittal also includes an analysis to demonstrate compliance with section 110(l) of the Act.[10] Elimination of the Part 49 provisions from the New Mexico SIP is not expected to lead to any emissions increase. Therefore, we do not believe the proposed revisions would interfere with attainment and reasonable further progress, or any applicable requirement of the CAA. Consequently, we are proposing to approve the removal of 20.11.49 NMAC Excess Emissions from the Albuquerque-Bernalillo County provisions of the New Mexico SIP.

III. Proposed Action

The EPA is proposing to approve a revision to the Albuquerque-Bernalillo County provisions of the New Mexico SIP submitted on October 17, 2016, in response to the EPA's national SIP call of June 12, 2015, concerning excess emissions during periods of SSM. More specifically, we are proposing to approve the removal of Part 49 Excess Emissions from the Albuquerque-Bernalillo County provisions of the New Mexico SIP. We are proposing to approve these revisions in accordance with section 110 of the Act. EPA is further proposing to determine that such SIP revision corrects the deficiency identified in the June 12, 2015 SIP call. EPA is not reopening the 2015 SSM SIP Action and is only taking comment on whether this proposed SIP revision is consistent with CAA requirements and whether it addresses the substantial inadequacy in the specific Albuquerque-Bernalillo County provisions identified in the 2015 SSM SIP Action.

IV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations

[4] 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.

[5] Section J, June 12, 2015 (80 FR 33985).

[6] See Affected States in EPA Region VI, section IX.G.4, June 12, 2015 (80 FR 33968).

[7] More specifically, EPA stated that ''removal of 20.11.49.16.A NMAC, 20.11.49.16.B NMAC and 20.11.49.16.C NMAC from the SIP will render 20.11.49.16.D NMAC, 20.11.49.16.E, 20.11.49.15.B (15) (concerning reporting by a source of intent to assert an affirmative defense for a violation), a portion of 20.11.49.6 NMAC (concerning the objective of establishing affirmative defense provisions) and 20.11.49.18 NMAC (concerning actions where a determination has been made under 20.11.49.16.E NMAC) superfluous and no longer operative, and the EPA thus recommends that these provisions be removed as well.'' (80 FR 33968, June 12, 2015).

[8] October 17, 2016, submittal letter from NMED Cabinet Secretary to EPA Region 6 Regional Administrator.

[9] 20.11.49.16 NMAC states, in part, ''The owner or operator of a source who contends that an excess emission occurred during startup, shutdown, malfunction, or emergency may submit to the department a supplemental report . . . The information in the supplemental report may be considered by the department at its sole discretion and is not intended to be enforceable in a legal proceeding by any party or to limit the enforcement authority of any party. 20.11.49.16 NMAC shall not be construed to preclude EPA or federal court jurisdiction under Section 113 of the federal act to assess civil penalties or other forms of relief for periods of excess emissions, to prevent EPA or the courts from considering the statutory factors for the assessment of civil penalties under Section 113 of the federal act, or to interfere with the rights of litigants to pursue enforcement consistent with their rights under the citizen suit provision of Section 304 of the federal act.''

[10] See pdf pages 229–233 of the submittal Docket ID No. EPA–R06–OAR–2016–0673 available at *www.regulations.gov.*

and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' [11] EPA is providing additional analysis of environmental justice associated with this action for the purpose of providing information to the public.

EPA reviewed demographic data, which provides an assessment of individual demographic groups of the populations living within Bernalillo County.[12] The EPA then compared the data to the national average for each of the demographic groups.[13] The results of the demographic analysis indicate that, for populations within Bernalillo County, the percent people of color (persons who reported their race as a category other than White alone (not Hispanic or Latino)) is significantly higher than the national average (61.2 percent versus 40 percent). Within people of color, the percent of the population that is Hispanic or Latino is higher than the national averages (50.3 percent versus 18.5 percent) and the percent of the population that is American Indian/Alaska Native is also higher than the national average (6.3 percent versus 1.3 percent). The percent of people living below the poverty level in Bernalillo County is higher than the national average (15.3 percent versus 11.4 percent). The percent of people over 25 with a high school diploma in Bernalillo County is similar to the national average (90 percent versus 88.5 percent), while the percent with a Bachelor's degree or higher is slightly higher than the national average (35.3 percent versus 32.9 percent).

Communities in close proximity to and/or downwind of industrial sources may be subject to disproportionate environmental impacts of excess emissions. Short- and/or long-term exposure to air pollution has been associated with a wide range of human health effects including increased respiratory symptoms, hospitalization for heart or lung diseases, and even premature death. Excess emissions during startups, shutdowns, and malfunctions exceed applicable emission limitations and can be considerably higher than emissions under normal steady-state operations. As to all population groups within the Bernalillo County area, as explained below we believe that this proposed action will be beneficial and will tend to reduce impacts. As discussed earlier in this notice, this rulemaking, if finalized as proposed, would result in the removal of the provisions in the New Mexico SIP applicable to Bernalillo County that provide sources emitting pollutants in excess of otherwise allowable amounts with the opportunity to assert an affirmative defense to violations involving excess emissions during startup, shutdown, and malfunctions. Removal of such impermissible affirmative defense provisions from the SIP is necessary to preserve the enforcement structure of the CAA, to preserve the jurisdiction of courts to adjudicate questions of liability and remedies in judicial enforcement actions and to preserve the potential for enforcement by the EPA and other parties under the citizen suit provision as an effective deterrent to violations. If finalized as proposed, this action is intended to ensure that all communities and populations across Bernalillo County and downwind areas, including people of color and low-income and indigenous populations overburdened by pollution, receive the full human health and environmental protection provided by the CAA through the removal of affirmative defense provisions that have interfered with the enforcement structure of the CAA by raising inappropriate impediments to enforcement by states, the EPA, or citizens. We therefore propose to determine that this rule, if finalized, will not have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

V. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to Albuquerque-Bernalillo County's regulations, as described in the Proposed Action section above. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the EPA Region 6 office.

VI. Statutory and Executive Order Reviews

Under the Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, 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 action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 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 Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of

[11] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

[12] *https://www.census.gov/quickfacts/fact/table/NM,bernalillocountynewmexico,US/PST045221.*

[13] *Id.*

Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: June 1, 2022.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2022–12608 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0131; FRL–9739–01–R9]

Clean Air Plans; Base Year Emissions Inventories for the 2015 Ozone Standards; Nevada; Clark County, Las Vegas Valley

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act (CAA or ''Act''), revisions to the Nevada State Implementation Plan (SIP) concerning the base year emissions inventory requirements for the Las Vegas Valley ozone nonattainment area located within Clark County for the 2015 ozone national ambient air quality standards (NAAQS or ''standards'').

DATES: Any comments must arrive by July 13, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2022–0131 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lindsay Wickersham, Air Planning Office (AIR–2), EPA Region IX, (415) 947–4192, *Wickersham.Lindsay@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Background

On October 26, 2015, the EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million.[1] In accordance with section 107(d) of the CAA, the EPA must designate an area ''nonattainment'' if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. In February 2018, Clark County submitted a recommendation based on 2015–2017 monitoring data, requesting that the Las Vegas Valley be designated nonattainment for the 2015 ozone NAAQS.[2] The EPA approved the request and designated the Las Vegas Valley in Clark County as a ''Marginal'' ozone nonattainment zone for the 2015 ozone NAAQS effective August 3, 2018.[3]

A. Emissions Inventories

Sections 172(c)(3) and 182(a)(1) of the CAA require states to develop and submit, as a SIP revision, ''base year'' emissions inventories for all areas designated as nonattainment for an ozone NAAQS. The EPA finalized the 2015 ozone NAAQS SIP Requirements Rule (SRR) on December 6, 2018.[4] The SRR established implementation requirements for the 2015 ozone NAAQS, including requirements for base year emissions inventories under CAA section 182(a)(1). The SRR for the 2015 ozone NAAQS is codified at 40 CFR part 51, subpart CC, and the emissions inventory requirements are codified at 40 CFR 51.1315.

An emissions inventory for ozone is an estimation of actual emissions of air pollutants that contribute to the formation of ozone in an area. Ozone is a gas that is formed by the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_X), referred to as ozone precursors, in the atmosphere in the presence of sunlight. Therefore, an emissions inventory for ozone focuses on the emissions of VOC and NO_X. VOC is emitted by many types of sources, including power plants, industrial sources, on-road and off-road mobile sources, smaller stationary sources collectively referred to as area sources, and biogenic sources. NO_X is primarily emitted by combustion sources, both stationary and mobile.

Emissions inventories provide emissions data that inform a variety of air quality planning tasks, including the following: establishing baseline emissions levels, calculating emissions reduction targets needed to attain the NAAQS and to achieve reasonable further progress (RFP) toward attainment of an ozone standard,[5] determining emissions inputs for ozone air quality modeling analyses, and tracking emissions over time to determine progress toward achieving air quality and emissions reduction goals.

For the 2015 ozone NAAQS, states are required to submit ozone season day emissions estimates for an inventory calendar year to be consistent with the

[1] 80 FR 65292.

[2] Letter dated February 23, 2018, from Greg Lovato, Administrator, Nevada Division of Environmental Protection, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

[3] 83 FR 25776, 25819.

[4] 83 FR 62998.

[5] The RFP requirements specified in CAA section 182(b)(1) apply to all areas classified as ''Moderate'' or higher ozone nonattainment. At the time of submittal of the Clark County base year emissions inventory SIPs for the 2015 ozone NAAQS, the Clark County area was designated Marginal nonattainment for the 2015 ozone NAAQS and were therefore not required to demonstrate RFP toward attainment of the 2015 ozone NAAQS.

baseline year for RFP plans as required by 40 CFR 51.1310(b).[6] Under 40 CFR 51.1310(b), for the 2015 ozone NAAQS, the RFP baseline year is the most recent calendar year for which a complete triennial inventory is required to be submitted to the EPA under 40 CFR 51 subpart A.[7] States may use an alternative base year emissions inventory provided that the year selected corresponds with the year of the effective date of designation as nonattainment for that NAAQS. Ozone season day emissions are defined in 40 CFR 51.1300(q) as ''the average day's emissions for a typical ozone season work weekday.'' Under the definition in 40 CFR 51.1300(q), states are required to select the months in the ozone season and the days in the work week to be represented. Based on the EPA's 2017 guidance on emissions inventory development, the selected ozone season should be representative of the conditions leading to nonattainment.[8]

B. State Submittals

On October 15, 2020, the Nevada Department of Environmental Protection (NDEP) submitted a revision to the Nevada SIP titled, ''Revision to the Nevada State Implementation Plan for the 2015 Ozone NAAQS: Emissions Inventory and Emissions Statement Requirements'' (''2020 Clark County EI'').[9] The 2020 Clark County EI includes a 2017 base year emissions inventory for the Las Vegas Valley nonattainment area, developed by the Clark County Department of Environment and Sustainability (CCDES), and supporting documentation regarding the development of the base year emissions inventory.

CCDES provided supplementary information (SI) to the 2020 Clark County EI addressing comments and questions raised by the EPA following receipt of CCDES's prior submittal on February 10, 2022, February 14, 2022, and on March 30, 2022.[10] Together these three supplementary exchanges are known as the ''2020 Clark County SI.''

In this action, we are evaluating and proposing action on the 2020 Clark County EI and the 2020 Clark County SI that we will collectively refer to as the ''2020 Clark County SIP Submittal.''

C. Public Notice and Hearing Requirements

Sections 110(a)(1) and 110(l) of the CAA and 40 CFR 51.102 require states to provide reasonable notice and an opportunity for a public hearing prior to adoption of SIP revisions. Section 110(k)(1)(B) requires the EPA to determine whether a SIP submittal is complete within 60 days of receipt. Any plan that the EPA does not affirmatively determine to be complete or incomplete will become complete by operation of law six months after the date of submittal. A finding of completeness does not approve the submittal as part of the SIP, nor does it indicate that the submittal is approvable. It does start a 12-month clock for the EPA to act on the SIP submittal (see CAA section 110(k)(2)).

The 2020 Clark County SIP Submittal includes documentation of the public review process CCDES followed prior to its submittal to the EPA as revisions to the SIP. Appendix B of the 2020 Clark County EI includes documentation of notices of opportunity for public hearing and comment on the SIP submittal. CCDES posted these notices on CCDES Facebook and Twitter pages, sent them by email to interested parties, and posted them on CCDES and Clark County websites. Included in Appendix B of the 2020 Clark County EI are agendas and meeting summaries from two Board of Commissioners meetings, setting and conducting the public hearing. Public comment reports included in Appendix B indicate that CCDES received no comments during the 30-day public review period.

II. Clark County's Emissions Inventory

The 2020 Clark County SIP Submittal addresses the emissions inventory requirement in CAA section 182(a)(1). The submittal provides documentation of a 2017 base year inventory of emissions of NO_X and VOCs. The 2017 base year emissions inventory was the most recent triennial emissions inventory in the National Emissions Inventory (NEI) at the time the emissions inventories were prepared for the Clark County area.

The emissions inventory submittal includes emissions estimates for the following source categories: point sources, nonpoint sources, onroad mobile sources, nonroad mobile sources, commercial and federal aviation, and biogenic sources. Point sources are large, stationary (*i.e.,* non-mobile) sources of emissions that release pollutants. Nonpoint sources, also referred to as ''area'' sources, are the sources of air pollutants that fall below point source reporting levels or are too small or too numerous to be identified individually, such as small-scale industrial or residential operations that use emission-generating materials or processes. Nonroad mobile sources are not certified for highway use and include equipment that can either move under their own power or can be moved from site to site.[11] Onroad mobile sources are motor vehicles traveling on local highways and roads. Biogenic sources emit pollutants produced by natural sources including vegetation and soils. Commercial and federal aviation consists of emissions from aircraft and airport ground support equipment for commercially run facilities and federally owned facilities respectively.

CCDES employed a combination of top-down estimation techniques (*i.e.,* allocation of regional emissions estimates to a smaller, defined geographic area) and bottom-up estimation techniques (*i.e.,* development of source or source category emissions estimates using emissions factors, models, etc.) to develop the emissions inventories in their SIP submittal.

A. Base Year Emissions Inventory for the Las Vegas Valley Nonattainment Area

The emissions inventory included in the 2020 Clark County SIP Submittal was developed by CCDES. The Clark County ozone nonattainment area for the 2015 NAAQS consists of Hydrographic Area 212, also referred to by CCDES as the Las Vegas Valley.[12] CCDES selected the month of July to estimate ozone season day emissions of NO_X and VOC from sources in the Las Vegas Valley.[13]

[6] 40 CFR 51.1315(a).

[7] 83 FR 62998, 63034.

[8] EPA, ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations'' (May 2017), 75.

[9] Letter dated October 8, 2020, from Greg Lovato, Administrator, Nevada Division of Environmental Protection, to Elizabeth Adams, Director, Air Division, EPA Region IX. Transmitted via US EPA's State Planning Electronic Collaboration System (SPeCS) on October 15, 2020.

[10] Email dated February 10, 2022, from Zheng Li, CCDES, to Lindsay Wickersham, EPA Region IX, Subject: ''RE: Introduction and Qs on 2015 O3 EI.''; Email dated February 14, 2022, from Araceli Pruett, CCDES to Lindsay Wickersham, EPA Region IX, Subject: ''RE: Introduction and Qs on 2015 O3 EI.,'' with attachment, ''20220203 EPA Request for Add'l Info on 2015 O3 EI.docx.''; Email Dated March 30, 2022, from Araceli Pruett, CCDES to Lindsay Wickersham, EPA Region IX, Subject: ''RE: A few questions: ERCs, QA, etc.,'' with attachment, ''20220329 EPA Request for Add'l Info on 2015 O3 EI.docx.''

[11] Locomotive emissions are included in the nonpoint category. Aircraft and airport ground support equipment are included in the aviation categories.

[12] See 83 FR 25776, 25819 (June 4, 2018) (providing a description of the boundaries of the Clark County nonattainment area for the 2015 ozone NAAQS); see also Figure 1–1 in 2020 Clark County EI for a map of the nonattainment area.

[13] In Clark County, the highest ambient ozone concentrations generally occur during the months

In the 2020 Clark County SIP Submittal, the point source inventory includes all Title V stationary sources and all sources with the potential to emit at least 10 tons of VOCs or 25 tons of NO_X in 2017. All sources emitting less than these thresholds were included in the nonpoint source category. CCDES identified 110 stationary point sources meeting this point source definition in the Las Vegas Valley.[14]

CCDES calculates actual emissions from point sources using data collected from annual source emissions reports, permit files and associated technical support documents (TSD), direct on-site measurements (*e.g.,* continuous emission monitors (CEMS)), or calculated using EPA emission factors (*e.g.,* AP–42) and activities data.[15]

Nonpoint source emissions within the Las Vegas Valley were estimated using the 2017 NEI emissions estimates for Clark County. To generate the sub-county emissions from the Las Vegas Valley, the Sparse Matrix Operator Kernel Emissions (SMOKE) model was run with a 4-km grid spacing over the nonattainment area for July to generate ozone season weekday emissions estimates using annual nonpoint emissions data.[16] Ancillary files developed by the EPA for version 1 of the 2016 modeling platform were used when running SMOKE.[17] The nonpoint inventory includes different emissions sectors: locomotive, residential wood combustion, agriculture livestock, and other nonpoint sources.[18]

Nonroad mobile sources in the Las Vegas Valley emissions inventory encompass a wide variety of equipment types that are not certified for highway use and can either move under their own power or can be moved from site to site.[19] CCDES estimated nonroad emissions within the Las Vegas Valley using the 2017 NEI emissions estimates for Clark County that were generated using the nonroad module of the EPA's Motor Vehicle Emission Simulator (version MOVES2014b), which was the latest model available at the time the inventory was developed.[20] To generate the sub-county emissions from the Las Vegas Valley, the SMOKE model was run with a 4-km grid spacing over the nonattainment area for July to generate ozone season weekday emissions estimates using monthly nonroad emissions data.[21] Ancillary data files used when running SMOKE were developed by the EPA for version 1 of the 2016 modeling platform and had a base year of 2016 for use in photochemical modeling.[22]

Onroad mobile sources in the Las Vegas Valley emissions inventory consist of cars, trucks, buses, motorcycles, and other motor vehicles that travel on local and highway roads. CCDES developed a Clark County-specific MOVES input database for 2017 using the latest available information. Key inputs for MOVES included in this database were annual vehicle miles traveled (VMT), vehicle population by source type, fleet age distributions, fuel parameters, inspection and maintenance programs, hoteling activity, and ambient temperature and humidity data. Sources for these inputs include the 2018 Clark County vehicle classification study, the Nevada Department of Motor Vehicle registration database, the Nevada Department of Transportation's (NDOT) annual Highway Performance Monitoring System reports, data from the Regional Transportation Council, the online magazine *Schoolbusfleet,* meteorological data collected at McCarran International Airport, the Coordinated Research Council's vehicle identification number decoding project and default model input files.

To generate sub-county data from this database, CCDES assumed the population within the Las Vegas Valley to be 95 percent of the total population of Clark County [23] and used Las Vegas Valley specific annual VMT data for each vehicle source type as provided by NDOT. CCDES estimated emissions from onroad mobile sources using MOVES2014b in inventory mode to generate sub-county data for the Las Vegas Valley.

Biogenic sources included in this inventory include crops, lawn grass, vegetation, soil, and forests. Emissions from biogenic sources in the Las Vegas Valley area were calculated using the Biogenic Emissions Inventory System Version 3.61 (BEIS 3.61) embedded in SMOKE 4.7. BEIS requires inputs of meteorological and landcover data. CCDES utilized 12-kilometer data collected from the 2016 version 1 Weather Research and Forecasting model, and the newly released Biogenic Emissions Landcover Database version 5 (BELD5).[24]

Emissions from commercial aviation within the Las Vegas Valley encompasses three facilities: McCarran International Airport, North Las Vegas Airport, and Henderson Executive Airport. Emissions inventories were developed using the Federal Aviation Administration's Aviation Environmental Design Tool (AEDT) Version 3b. The Clark County Department of Aviation used default meteorology in AEDT with correction factors to account for differences in meteorology and activity data between the model's default design day of October and a typical July weekday. The 2020 Clark County SI shows corrected tons per day (tpd) values adjusted with correction factors for all three airports compared to the values provided in the 2020 Clark County EI. These corrected values are included in Table 2 below.

Emissions from federally controlled aviation sources within Las Vegas Valley consist entirely of emissions from Nellis Air Force Base. Actual emissions from aircraft operations were obtained from EPA's 2017 NEI Data.

CCDES employed quality assurance and quality control (QA/QC) measures

of the year when the highest temperatures occur—typically from May through September. For SIP planning purposes, CCDES selected weekdays in the month of July as the basis to estimate typical summertime weekday emissions, as is precedent for Clark County SIPs. See 86 FR 43461, 43464 (August 9, 2021).

[14] All point sources identified in the Las Vegas Valley are permitted by the CCDES Division of Air Quality and required to submit annual emissions reports under Section 12.9 of the Clark County Air Quality Regulations (AQR). These annual emission reports were used to identify individual stationary point sources within the Las Vegas Valley for this emissions inventory.

[15] On-site measurements are collected from emission units that are required to have CEMS, as outlined in Section 12.10 of the Clark County AQR. All other point sources emissions were calculated based on emissions factors in the permit and activity data.

[16] For a map of the modeled area, see 2020 Clark County EI, Figure 1–1, A–4; Characterized by Source Classification Code (SCC) in the FF10 Flat data file; EPA, ''Technical Support Document (TSD) Preparation of Emissions Inventories for the 2016v1 North American Emissions Modeling Platform'' (March 2021), 123.

[17] Files and technical support documents available at *https://www.epa.gov/air-emissions-modeling/2016v1-platform.*

[18] See 2020 Clark County SI Section C for detailed emissions from each emission sector.

[19] Locomotive, aircraft, and airport ground support equipment are not included in this category.

[20] EPA, ''Policy Guidance on the Use of MOVES3 for State Implementation Plan Development, Transportation Conformity, General Conformity, and Other Purposes'' (November 2020), 7.

[21] Characterized by Source Classification Code (SCC) in the FF10 Flat data file; EPA, ''Technical Support Document (TSD) Preparation of Emissions Inventories for the 2016v1 North American Emissions Modeling Platform'' (March 2021), 123.

[22] Files and technical support documents available at *https://www.epa.gov/air-emissions-modeling/2016v1-platform.*

[23] The EPA has previously accepted this assumption for other plans submitted regarding Las Vegas (see *e.g.,* 79 FR 60078). The human population of the Las Vegas Valley is around 96.7 percent. Sensitivity analysis showed that the values in MOVES was not sensitive to a 1.67 percent change.

[24] BELD5 includes version 8.0 of the Forest Inventory and Analysis, which has better agreement with measured foliage biomass to improve VOC emissions estimates.

throughout the development of the 2020 Clark County emissions inventory. Point source emissions calculations were checked by CCDES compliance staff against the permitting Technical Support Document (TSD).[25] These reviewed and corrected emissions data are used in the emissions inventories. Nonroad and nonpoint emissions outcomes were compared to those from the NEI and other counties for reasonableness and consistency and were checked for spatial distributions with gridded emissions maps.[26] Onroad emissions had a variety of input sources and thus implemented multiple types of QA/QC practices outlined in the 2020 Clark County SI. Emissions data collected for the 2017 NEI was subject to QA/QC from the EPA and was compared by CCDES to other counties in Nevada and to other years for consistency and reasonableness.[27] CCDES's QA/QC measures are described in further detail in the 2020 Clark County SI.

Estimates of 2017 ozone season day emissions of NO_X and VOC in the Las Vegas Valley are summarized in Table 2 below.

TABLE 2—2017 OZONE SEASON DAY EMISSIONS FOR THE LAS VEGAS VALLEY NONATTAINMENT AREA

Source category	Pollutant	
	NO_X (tpd)	VOC (tpd)
Point	2.94	1.25
Nonpoint	6.94	59.49
Commercial Aviation	[a] 11.40	1.70
Federal Aviation	0.50	0.24
On-road Mobile	38.76	27.25
Nonroad Mobile	36.58	23.96
Biogenic	0.86	124.19
Area Total	97.98	238.07

Sources: 2020 Clark County EI section 9, 2020 Clark County SI.
Note:
[a] Corrected value provided from 2020 Clark County SI, Section e.

III. EPA's Evaluation

Based on the documentation included in Clark County's submittals, the EPA finds that the submittals satisfy the procedural requirements of sections 110(a)(1) and 110(l) of the Act requiring states to provide reasonable notice and an opportunity for public hearing prior to adoption of SIP revisions. The 2020 Clark County SIP Submittal became complete by operation of law on April 15, 2021, pursuant to CAA section 110(k)(1)(B).

The EPA has reviewed Clark County's submittals for consistency with CAA sections 172(c)(3) and 182(a)(1) and the requirements for emissions inventories under the EPA's implementing regulations for the 2015 ozone NAAQS at 40 CFR 51.1315. The 2017 base year emissions inventories represent the most recent calendar year for which a consistent and comprehensive statewide inventory was available. The selection of 2017 as the base year for the Las Vegas Valley emissions inventory is therefore consistent with the requirement for selection of RFP baseline years under 40 CFR 51.1310(b). We find that for the Las Vegas Valley emissions inventory Clark County appropriately estimated the average day's emissions for a typical weekday in the ozone season, consistent with the definition of ozone season day emissions under 40 CFR 51.1300(q).

Clark County's submittals document the procedures used by CCDES to estimate ozone season day emissions for each of the major source types. Documentation of emissions estimation procedures in the 2020 Clark County SIP Submittal demonstrate that CCDES followed acceptable procedures to develop emissions estimates. The 2020 Clark County SIP Submittal also describes the specific QA/QC measures implemented to ensure the accuracy and integrity of data throughout the development of the emissions inventory.

Based upon the documentation of emissions estimation techniques and QA/QC procedures employed to develop the emissions inventories in the submittal, we find that the 2020 Clark County SIP Submittal contains comprehensive, accurate, current inventories of actual emissions from all sources in the Las Vegas Valley nonattainment area. The EPA therefore proposes to approve the base year inventories of NO_X and VOC emissions for the Las Vegas Valley ozone nonattainment area for the 2015 ozone NAAQS submitted by Nevada pursuant to 40 CFR 51.1315 and CAA sections 172(c)(3) and 182(b)(1).

IV. Proposed Action and Request for Public Comment

We are proposing to approve the 2020 Clark County SIP Submittal as meeting the ozone-related base year emissions inventory requirement for the Las Vegas Valley nonattainment area for the 2015 ozone NAAQS. The emissions inventory we are proposing to approve into the SIP is summarized in Table 2. We are proposing to approve this emissions inventory because it contains comprehensive, accurate, and current inventories of actual emissions for all relevant sources in accordance with CAA sections 172(c)(3) and 182(a)(1). The EPA is soliciting public comments on the issues discussed in this proposed rule. We will accept comments from the public on this proposal for the next 30 days.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state plans

[25] CCDES, ''Emissions Inventory Report Review and Audit Process'' (March 2021).

[26] Gridded emissions map shown in 2020 Clark County SI, Section (b)(iii) and Section (c)(iii).

[27] EPA, ''2017 National Emissions Inventory Summary of Quality Assurance Information'' (January 2022).

as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. The Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony have areas of Indian country located within the Las Vegas Valley nonattainment area for the 2015 ozone NAAQS. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: June 6, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–12609 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2022–0482; FRL–9906–01–R7]

Air Plan Approval; Missouri; General Conformity Rescission

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Missouri State Implementation Plan (SIP) relating to General Conformity received on April 15, 2022. In its submission, Missouri requests EPA approval of rescission of the Missouri General Conformity Rule from the Missouri SIP. General Conformity ensures actions taken by federal agencies, such as airport construction, do not interfere with a state's plans to attain and maintain national standards for air quality. After rescission of the state's General Conformity Rule, federal agency actions will be subject to the Federal General Conformity Rule.

DATES: Comments must be received on or before July 13, 2022.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2022–0482 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Jed D. Wolkins, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7588; email address: *wolkins.jed@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2022–0482, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve the rescission of Missouri's General Conformity Rule, 10 CSR 10–6.300 from Missouri's SIP. General Conformity ensures actions taken by federal agencies, such as airport construction, do not interfere with a state's plans to attain and maintain national standards for air quality. After rescission of the state's General Conformity Rule, federal agency actions will be subject to the Federal General Conformity Rule.

III. What is General Conformity?

The purpose of the General Conformity rule is to ensure that federal activities do not cause or contribute to

new violations of National Ambient Air Quality Standards (NAAQS), federal actions do not worsen existing violations of the NAAQS, and attainment of the NAAQS is not delayed. General Conformity covers most aspects of federally funded or approved actions not covered by the Transportation Conformity program. In November 1993, the EPA promulgated two sets of regulations to implement section 176(c) of the Clean Air Act (CAA). First, on November 24, 1993, the EPA promulgated the Transportation Conformity regulations, which apply to highways and mass transit. These regulations establish the criteria and procedures for determining whether transportation plans, programs, and projects funded under title 23 U.S.C. or the Federal Transit Act conform with the State Implementation Plan (SIP) (58 FR 62188). Then, on November 30, 1993, the EPA promulgated a second set of regulations, known as the General Conformity regulations, which apply to all other federal actions. These regulations ensured that other federal actions also conformed to the SIPs (58 FR 63214).

General Conformity is based on evaluating the annual net increase in emissions caused by the proposed federal activity. The regulations require a federal agency proposing certain general federal activities to ensure that any increase in emissions of harmful air pollutants conform to the purpose of the applicable implementation plan. This includes projecting estimates of the direct and indirect emissions that are likely to occur.

General Conformity covers a wide variety of federal activities. A federal activity is generally an action that requires either federal funding and/or federal approval. Even if a project is not federally-funded, there may be federal approvals such as permits that are needed.

The General Conformity Regulations do not apply to every area. Rather, the requirements only apply in nonattainment areas and attainment areas with maintenance plans, maintenance areas. A nonattainment area is an area designated by the EPA as not meeting a NAAQS. A maintenance area is an area that was once designated as nonattainment but has been redesignated by the EPA to attainment based on meeting the NAAQS and having an approved plan to maintain the NAAQS. The EPA, in partnership with the states or tribes, is responsible for the designation of areas as nonattainment and redesignating them once they achieve the NAAQS.

For more information on General Conformity, please visit *www.epa.gov/general-conformity.*

IV. Have the requirements for approval of a SIP revision been met?

Missouri's General Conformity Rule, 10 CSR 10–6.300, titled ''Conformity of General Federal Actions to State Implementation Plans'', was incorporated into the SIP consistent with section 176(c) of the CAA, as amended (42 U.S.C. 7506(c)), and regulations located in 40 CFR part 93, subpart B, that directed states to include in their SIPs provisions requiring General Conformity of federal actions to the applicable implementation plan. In 2005, Congress passed the ''Safe, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' (SAFETEA–LU). Section 6011 of SAFETEA–LU amended section 176(c) of the CAA to remove the requirement for states to adopt a General Conformity rule into the SIP. In turn, EPA amended the federal General Conformity rule at 40 CFR part 51, subpart W, to make state adoption of a General Conformity rule into the SIP optional rather than mandatory (75 FR 17258). 10 CSR 10–6.300 duplicates federal regulations. After rescission of the state's General Conformity Rule, federal agency actions will be subject to the Federal General Conformity Rule.

CAA section 110(l), 42 U.S.C. 7410(l), states that the Administrator cannot approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement. The federal General Conformity rule contains the same requirements as the state's General Conformity rule. Therefore, the same requirements will apply after the state's rule is rescinded and there will be no associated emissions increase or adverse impact to air quality. Therefore, the EPA is proposing that this change will not interfere with: any area's ability to maintain any NAAQS, making reasonable progress towards natural visibility in Missouri's Class I areas nor any Class I area in another state Missouri impacts, or any other applicable requirement.

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 16, 2021 to October 7, 2021 and received no comment. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

V. What action is the EPA taking?

The EPA is proposing to approve a SIP revision submitted by the State of Missouri on April 15, 2021, rescinding the State General Conformity Rule, 10 CSR 10–6.300. EPA is proposing to determine that this revision would not interfere with attainment or maintenance of any NAAQS or with any other CAA requirement because the same requirements exist in federal law. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Environmental Justice Concerns

This action proposes to approve the rescission of the state's General Conformity rule. The state's rule duplicates the federal General Conformity rule. Once approved all federal actions that would have been subject to the state rule will be subject to the same requirements in the federal rule. For this reason, this proposed action will not result in disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples.

VII. Incorporation by Reference

In this document, the EPA is proposing to amend regulatory text that includes incorporation by reference. As described in Section II of this preamble and set forth below in the proposed amendments to 40 CFR part 52, the EPA is proposing to remove 10 CSR 10–6.300 of the EPA-Approved Missouri Regulations from the Missouri State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: June 7, 2022.

Meghan A. McCollister,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

§ 52.1320 [Amended]

■ 2. In § 52.1320, the table in paragraph (c) is amended by removing the entry ''10–6.300'' under the heading ''Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri''.

■ 3. In § 52.1323, paragraphs (h) and (j) are revised to read as follows:

§ 52.1323 Approval status.

* * * * *

(h) Missouri rule 10 CSR 10–6.300 was rescinded on [date 30 days after date of publication of final rule in the **Federal Register**].

* * * * *

(j) Missouri rule 10 CSR 10–6.300 was rescinded on [date 30 days after date of publication of final rule in the **Federal Register**].

* * * * *

[FR Doc. 2022–12610 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2022–0434; FRL–9821–01–OAR]

RIN 2060–AV72

Renewable Fuel Standard (RFS) Program: Alternative RIN Retirement Schedule for Small Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing an alternative renewable identification number (RIN) retirement schedule for small refineries under the Renewable Fuel Standard (RFS) program for the 2020 compliance year. To provide small refineries with more time to comply with their 2020 RFS obligations (including any RIN deficits from 2019 carried forward into the 2020 compliance year), EPA is proposing a quarterly RIN retirement schedule by which a small refinery must comply with certain percentages of its 2020 RFS obligations. EPA is proposing this action because small refineries need more time to plan for compliance with their RFS obligations given EPA's delay in deciding small refinery exemption (SRE) petitions and setting the associated compliance deadlines.

DATES:

Comments. Comments must be received on or before July 28, 2022.

Public hearing. EPA will hold a virtual public hearing on June 28, 2022. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES:

Comments. You may send your comments, identified by Docket ID No. EPA–HQ–OAR–2022–0434, 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–2022–0434 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Air Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For the full EPA public comment policy, information about confidential business information (CBI) or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Public hearing. The virtual public hearing will be held on June 28, 2022. The hearing will begin at 9:00 a.m. Eastern Daylight Time (EDT) and end when all parties who wish to speak have had an opportunity to do so. All hearing attendees (including even those who do not intend to provide testimony) should register for the public hearing by June 21, 2022. Information on how to register can be found at *https://www.epa.gov/renewable-fuel-standard-program/proposed-alternative-rin-retirement-schedule-small-refineries.* Additional information regarding the hearing

appears below under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Karen Nelson, Office of Transportation and Air Quality, Compliance Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4657; email address: *nelson.karen@epa.gov.* For questions regarding the public hearing, contact Nick Parsons at (734) 214–4479 or *RFS-Hearing@epa.gov.*

SUPPLEMENTARY INFORMATION:

Does this action apply to me?

Entities potentially affected by this proposed rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline, diesel, and renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially affected categories include:

Category	NAICS [1] code	Examples of potentially affected entities
Industry	324110	Petroleum refineries.
Industry	325193	Ethyl alcohol manufacturing.
Industry	325199	Other basic organic chemical manufacturing.
Industry	424690	Chemical and allied products merchant wholesalers.
Industry	424710	Petroleum bulk stations and terminals.
Industry	424720	Petroleum and petroleum products merchant wholesalers.
Industry	221210	Manufactured gas production and distribution.
Industry	454319	Other fuel dealers.

[1] North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Participation in Virtual Public Hearing

Please note that EPA is deviating from its typical approach because the President has declared a national emergency. Because of current CDC recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, EPA cannot hold in-person public meetings at this time.

Information on how to register for the hearing can be found at *https://www.epa.gov/renewable-fuel-standard-program/proposed-alternative-rin-retirement-schedule-small-refineries.* The last day to pre-register to speak at the hearing will be June 21, 2022.

Each commenter will have 3 minutes to provide oral testimony. 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 comments 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/renewable-fuel-standard-program/proposed-alternative-rin-retirement-schedule-small-refineries.* While EPA expects the hearing to go forward as set forth above, please monitor the website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by June 21, 2022. EPA may not be able to arrange accommodations without advance notice.

Outline of This Preamble

I. Background

A. Small Refineries and RFS Compliance

The RFS program sets annual, nationally applicable volume targets for renewable fuel. EPA translates those volume targets into compliance obligations that obligated parties must meet each year. EPA has designated refiners and importers of gasoline and diesel fuel used as transportation fuel to be those obligated parties.[1] Small refineries, a subset of refiners, are defined by the Clean Air Act (CAA or ''the Act'') as ''refiner[ies] for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.'' [2] At the start of the RFS program, Congress initially granted all eligible small refineries a temporary exemption from the obligations of the RFS program until 2011.[3] Under EPA's regulations, small refineries that were producing either ''gasoline'' under RFS1 [4] or ''transportation fuel'' under RFS2 [5] were required to notify EPA that they qualified for the temporary exemption

[1] 40 CFR 80.1406(a).
[2] CAA section 211(*o*)(1)(K).
[3] CAA section 211(*o*)(9)(A)(i).
[4] 72 FR 23900, 23926 (May 1, 2007).
[5] 40 CFR 80.1441(a)(1).

by submitting verification letters stating their average crude oil throughput rate during the applicable qualification period.[6] The CAA provides that a small refinery may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).[7] In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.[8]

On December 7, 2021, EPA proposed to deny 65 pending SRE petitions for the 2016–2021 compliance years[9] and took public comment via a **Federal Register** Notice.[10] That proposal included proposed changes to EPA's interpretation of the SRE provisions in the CAA that were informed by the holdings of the U.S. Court of Appeals for the Tenth Circuit in *Renewable Fuels Association et al.* v. *EPA* (*RFA*)[11] and EPA's long-held findings regarding RFS compliance costs being passed through ultimately to wholesale purchasers (generally referred to as RIN cost passthrough). Consistent with that proposal, on April 7, 2022, EPA announced the April 2022 SRE Denial,[12] which denied 36 previously-decided SRE petitions for the 2018 compliance year that had been remanded to EPA for reconsideration by the U.S. Court of Appeals for the D.C. Circuit.[13] Then, on June 3, 2022, EPA announced the June 2022 SRE Denial,[14] which denied 69 SRE petitions for the 2016–2021 compliance years that were still pending.[15]

B. Unique Small Refinery Compliance Challenges

We understand that some small refineries that recently received denial decisions may not be prepared to comply with their renewable volume obligations (RVOs or ''RFS obligations'') for the 2020 compliance year by the applicable compliance deadlines, likely because they received SREs in recent years and assumed they would continue. Additionally, the compliance deadlines have been compressed[16] and some small refineries have stated that they have been unable to acquire the RINs they need to comply with their RFS obligations.[17] For these reasons, EPA believes it is appropriate to allow small refineries to carryforward their 2019 RIN deficits into the 2020 compliance year (as they are already able to do pursuant to 40 CFR 80.1427(b)), then elect to use the alternative RIN retirement schedule proposed today to meet their 2020 RFS obligations. This will give the small refineries additional time and open a broader range of RIN vintages to acquire and retire the RINs needed to demonstrate compliance for the 2020 compliance year.

C. Overview of Proposed Compliance Approach

For the reasons provided herein, we are proposing to make an alternative RIN retirement schedule available to small refineries for the 2020 compliance year to facilitate their transition into full compliance with the RFS program. This proposed alternative RIN retirement schedule would decrease the number of RINs that small refineries must acquire in the near term, extend the time period over which small refineries can plan and implement their RIN transactions, and allow the use of RINs generated in future compliance years, thereby reducing the immediate financial impacts on small refineries, as well as the impacts on the RIN market and the RFS program as a whole. While we are here proposing specific dates for the alternative RIN retirement schedule, these proposed dates presume that the annual RFS compliance deadlines will be established according to the structure in 40 CFR 80.1451(f)(1)(i)(B).[18] However, the final rule that established those regulations is currently the subject of litigation.[19] Thus, the reporting deadlines upon which the proposed alternative RIN retirement schedule is based may again become uncertain.

We are proposing to allow any refinery that meets the definition of ''small refinery''[20] for the 2020 compliance year to use this alternative RIN retirement schedule, regardless of whether it submitted an SRE petition for 2020 or recently received an SRE denial. We are doing so because almost all small refineries submitted an SRE petition for 2020 that was denied in the June 2022 SRE Denial. We further believe that the proposed alternative RIN retirement schedule should be provided to all small refineries because the previous uncertainty surrounding the availability of SREs potentially affected all small refineries, which ''may at any time petition'' for an SRE.[21]

We believe that it is appropriate to propose this alternative RIN retirement schedule only for small refineries for their 2020 RFS obligations because it responds to the unique circumstances affecting small refineries at this time. First, the June 2022 SRE Denial only affects the RFS obligations of small refineries. Second, the uncertainty regarding how EPA would decide the SRE petitions, created by the protracted

[6] 72 FR 23900, 23925–26 (May 1, 2007); 40 CFR 80.1441(b). EPA's regulations allowed small refineries that had submitted verification letters to qualify for the original statutory exemption under EPAct/RFS1 to not have to submit an additional verification letter to qualify under the SRE provisions in EISA/RFS2.

[7] CAA section 211(*o*)(9)(B)(i).

[8] CAA section 211(*o*)(9)(B)(ii).

[9] ''Proposed RFS Small Refinery Exemption Decision,'' EPA–420–D–21–001, December 2021.

[10] 86 FR 70999 (December 14, 2021).

[11] *Renewable Fuels Ass'n et al.* v. *EPA,* 948 F.3d 1206 (10th Cir. 2020). The court held that (1) the disproportionate economic hardship required in order to receive an SRE under the CAA must be caused by RFS compliance, (2) EPA acted arbitrarily and capriciously when it granted the SREs at issue without reconciling those decisions with the Agency's previous findings on RIN cost passthrough, and (3) ''extension'' as used in the CAA SRE provisions required continuity, such that small refineries were only eligible for SREs if they had been continuously exempted from the outset of the RFS program. On September 4, 2020, the small refineries filed a petition for a writ of certiorari from the Supreme Court requesting review only of the holding regarding the meaning of ''extension,'' which was granted on January 8, 2021, and following oral argument, was decided on June 25, 2021, in *HollyFrontier Cheyenne Refining, LLC et al.* v. *Renewable Fuels Ass'n et al.,* 114 S.Ct. 2172 (2021) (*HollyFrontier*). The Supreme Court held in *HollyFrontier* that ''extension'' as used in the SRE provisions of the CAA does not require continuous exemption. The other holdings in *RFA* were not appealed.

[12] ''April 2022 Denial of Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–22–006, April 2022.

[13] *Sinclair Wyoming Refining Co.* v. *EPA,* No. 19–1196 (D.C. Cir.), Dec. 8, 2021 Order, Doc. No. 1925942.

[14] ''June 2022 Denial of Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–22–011, June 2022.

[15] More information about SREs is available at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/rfs-small-refinery-exemptions.*

[16] The RFS regulations establish deadlines for obligated parties—including small refineries—to comply with their annual RVOs; the deadlines provide the dates by which obligated parties must retire sufficient RINs to comply with those RVOs and submit associated compliance reports. Under the existing RFS regulations, small refineries must comply with their 2019 RVOs by the first quarterly reporting deadline that is after the effective date of the 2021 RFS percentage standards. The 2020 compliance deadline is then tied to the next quarterly reporting deadline after the 2019 compliance deadline for small refineries, such that the annual compliance deadlines remain sequential. 40 CFR 80.1451(f)(1)(i)(B)(*1*) and (*2*). The effective date of the 2021 RFS percentage standards is generally expected to be 60 days after publication of the action establishing the 2021 standards in the **Federal Register**.

[17] See, *e.g.,* Comments on 2020–2022 RFS Rule from the Small Refinery Coalition, Docket Item No. EPA–HQ–OAR–2021–0324–0570.

[18] 87 FR 5696 (February 2, 2022).

[19] *Wynnewood Refining Co., LLC, et al.* v. *EPA,* Consol. Case Nos. 22–1015, 22–1051 & 22–1053 (D.C. Cir. 2022).

[20] CAA section 211(*o*)(1)(K), 40 CFR 80.1401, and 80.1441(e)(2)(iii).

[21] CAA section 211(*o*)(9)(B)(i).

litigation and the opinions in *RFA* and *HollyFrontier,* impacted only small refineries' compliance obligations. Third, some small refineries have stated that they have not been acquiring RINs ratably while producing transportation fuels that incur an RFS obligation in anticipation of EPA granting their SRE petitions, a result that did not manifest.[22] Currently, the available RINs small refineries need for compliance with their 2020 RVOs are being held in large part by other obligated parties that likely intend to use these RINs for compliance with their own RFS obligations, and those parties may not be willing to sell them.[23] For these reasons, many small refineries may not be prepared to comply by the 2020 compliance deadline. Therefore, we are proposing to provide small refineries with more time to acquire RINs and allow the use of a broader range of RIN vintages through the proposed alternative RIN retirement schedule, which we believe would help resolve some of the obstacles small refineries may currently be facing.

II. Alternative RIN Retirement Schedule for Small Refineries for the 2020 Compliance Year

The proposed alternative RIN retirement schedule is an extended period over which small refineries must acquire and retire RINs to demonstrate compliance with their 2020 RFS obligations. We are proposing a RIN retirement schedule that includes five quarterly RIN retirement deadlines that extend into the 2024 calendar year, thereby allowing small refineries to potentially use 2021, 2022, 2023, and 2024 RINs to satisfy a portion of their 2020 RVOs. We are proposing this schedule to allow over 18 months between the June 2022 SRE Denial and the final 2020 RVO quarterly RIN retirement deadline of February 1, 2024, for small refineries to satisfy, in full, their 2020 RVOs. Table II.1 provides the proposed RIN retirement schedule and RIN vintages that can be used for each quarterly RIN retirement deadline, along with illustrative annual compliance reporting deadlines:

TABLE II.1—PROPOSED 2020 RVO ALTERNATIVE RIN RETIREMENT SCHEDULE WITH ILLUSTRATIVE ANNUAL COMPLIANCE REPORTING DEADLINES

Milestone	Deadline	RIN vintage						
		2018	2019	2020	2021	2022	2023	2024
2019 Compliance Deadline	September 1, 2022	C	X					
2020 Compliance Deadline	December 1, 2022		C	X				
2020 RVO RIN Retirement 1 (20%)	February 1, 2023			X	X	X	X	
2021 Compliance Deadline	March 31, 2023			C	X			
2020 RVO RIN Retirement 2 (40%)	May 1, 2023				X	X	X	
2020 RVO RIN Retirement 3 (60%)	August 1, 2023				X	X	X	
2022 Compliance Deadline	September 1, 2023				C	X		
2020 RVO RIN Retirement 4 (80%)	November 1, 2023					X	X	
2020 RVO RIN Retirement 5 (100%)	February 1, 2024					X	X	X
2023 Compliance Deadline	March 31, 2024					C	X	

X = RINs of this vintage may be used in any amount.
C = RINs of this vintage may be used to satisfy up to 20 percent of the RVO, per 40 CFR 80.1427(a)(5).

We are proposing these specific RIN retirement deadlines so that they would not overlap with other RFS compliance reporting deadlines.[24] We believe this approach would allow EPA staff to implement and oversee the RIN retirements more effectively and mitigate the potential for confusion on the part of participating small refineries that would have overlapping compliance reporting requirements. We are proposing specific dates for these deadlines—as opposed to tying them to the effective date of this or another RFS-related action—to provide greater certainty regarding the RIN retirement deadlines under the proposed alternative RIN retirement schedule.[25]

We are proposing the five quarterly RIN retirement deadlines because this would allow small refineries additional time to acquire RINs, as well as provide small refineries with access to additional later RIN vintages, as any valid RIN at the time of retirement could be used to demonstrate compliance. In this way, the proposed alternative RIN retirement schedule strikes a balance between easing the compliance burden for small refineries while not indefinitely postponing their compliance demonstrations. The extended RIN retirement schedule and expanded RIN retirement flexibility will help individual small refineries fully comply, and in so doing will strengthen

[22] We note, however, that the RIN cost passthrough analysis presented in the April 2022 and June 2022 SRE Denials puts small refineries on notice regarding the high burden they bear when petitioning for an SRE to demonstrate that their alleged DEH is caused by compliance with the RFS program. Thus, absent a compelling demonstration that a small refinery experiences DEH caused by compliance with the RFS program, a small refinery should have no reasonable expectation that its SRE petition will be granted in the future and has no reason to again delay the acquisition of RINs to demonstrate compliance with its RFS obligations. This is a long-held position by EPA; for example, in its December 6, 2016, SRE guidance document, EPA stated that ''[p]etitioning small refineries should always presume that they are subject to the requirements of the RFS program and include RFS compliance in their overall planning.'' Accordingly, as has been true in the past, every small refinery should plan and prepare to demonstrate compliance with their RFS obligations unless and until they receive an exemption.

[23] RIN-holding data indicates that just four obligated parties—which represented approximately 40 percent of the 2019 total RVO—currently hold over half of all available 2019 RINs, and nine obligated parties—which represent approximately 55 percent of the 2019 total RVO—hold over three-quarters of all available 2019 RINs. Similarly, just five obligated parties currently hold over half of all available 2020 and 2021 RINs, and 11 obligated parties hold over three-quarters of all available 2020 and 2021 RINs. See ''EMTS RIN Holding Data as of May 12, 2022,'' available in the docket for this action. RIN holdings are presented in relation to the 2019 total RVO because this is the most recent year for which EPA has compliance data.

[24] The actual annual compliance reporting deadlines upon which this proposal is based may change based on the effective date of the 2021 RFS percentage standards. See 40 CFR 80.1451(f)(1)(i)(B). Should the actual 2020 compliance deadline differ from the date listed in Table II.1, we intend that the first RIN retirement deadline would not occur until after the actual 2020 compliance deadline.

[25] It should be noted that the specific dates proposed herein have been calculated relying on the compliance deadlines established in 40 CFR 80.1451(f)(1)(i)(B), which is now the subject of litigation in the D.C. Circuit in *Wynnewood Refining Co., LLC, et al.* v. *EPA,* Consol. Case Nos. 22–1015, 22–1051, & 22–1053. Depending on the outcome of that litigation, the dates proposed herein for the alternative RIN retirement schedule may again become uncertain.

the entire RFS program following the recent rulemaking and SRE petition decision delays.

Under the proposed alternative RIN retirement schedule, a small refinery would be obligated to retire at least 20 percent of its 2020 RVOs by the first quarterly RIN retirement deadline, at least 40 percent by the second quarterly RIN retirement deadline, and so on, as laid out in Table II.1 above, such that the full 2020 RVOs must be met on the final RIN retirement deadline of February 1, 2024. For example, under this proposed alternative RIN retirement schedule, if a small refinery retired RINs sufficient to meet 30 percent of its 2020 RVOs by the 2020 compliance deadline of December 1, 2022, then it would not be obligated to retire additional RINs towards its 2020 RVOs until the second quarterly RIN retirement deadline (*i.e.,* May 1, 2023), at which time it would be obligated to retire RINs equal to at least 40 percent of its 2020 RVOs.

We are also proposing to allow small refineries to use any valid RINs at the time of retirement for compliance, including RIN vintages after 2020 (*i.e.,* 2021, 2022, 2023, and 2024 RINs) until such RIN vintages expire (*e.g.,* 2021 RINs expire after the 2022 compliance deadline). This approach would allow small refineries access to additional RINs while maintaining compliance with our regulations regarding the validity and expiration of RINs.[26] Given the relatively small proportion of the overall demand for RINs that is represented by all small refineries (*i.e.,* less than 10 percent of the total RVO for any given year) and that there is likely only a limited number of small refineries that would utilize the proposed alternative RIN retirement schedule, we do not anticipate that this action will have any significant impact on the overall RIN market in future years.

We are proposing to require small refineries to notify EPA of their intent to use the alternative RIN retirement schedule on or before the 2020 compliance deadline. This notice would inform EPA as to which small refineries intend to use the alternative RIN retirement schedule and would allow EPA to monitor and track the progress of the small refineries towards full compliance with their 2020 RVOs. We are proposing to require a small refinery to send us a letter signed by the responsible corporate officer expressing their intent to comply using the alternative RIN retirement schedule. We intend to acknowledge receipt of the small refinery's notification of their intent to comply using the alternative RIN retirement schedule.

Under this proposal, we would still require that participating small refineries submit a 2020 annual compliance report by the 2020 compliance deadline. The 2020 annual compliance report would be necessary to establish a small refinery's 2020 RVOs, which would be used by the small refinery to determine minimum RIN retirements for each installment under the alternative RIN retirement schedule, and for EPA to verify that the small refinery is meeting its quarterly RIN retirement obligations.

We are also proposing that, as a condition to use the proposed alternative RIN retirement schedule, the obligated party that owns/operates the small refinery must, on its annual RFS compliance report, provide the individual-small refinery RVO for the 2020 compliance year (*i.e.,* comply on a refinery-basis for that small refinery). Under the RFS program, obligated parties must either comply with their RVOs on an individual-refinery basis or an aggregated basis (*i.e.,* they combine the RVOs from all of their refineries). If an obligated party owns other refineries with RVOs in addition to the small refinery and complies on an aggregated basis, it would be unclear what portion of the aggregated RVOs apply to only the small refinery and whether the obligated party has met the RIN retirement quotas under the proposed alternative RIN retirement schedule. Therefore, as a condition for a small refinery to use the proposed alternative RIN retirement schedule, we are proposing that it must demonstrate compliance on an individual basis so that RINs can be retired for the specific small refinery's RVOs. Similarly, we are proposing that if an obligated party carries forward a RIN deficit from 2019 into 2020, that obligated party would need to comply on an individual-refinery basis for the 2019 compliance year as well. This condition would allow EPA to track the small refinery's progress towards compliance with its 2020 obligations more effectively, and would not unduly hinder obligated parties in making their compliance demonstrations.

We are not proposing any changes to the regulatory provisions governing the use of cellulosic waiver credits (CWCs). The regulations currently state that CWCs ''may only be used for an obligated party's current-year cellulosic biofuel RVO and not towards any prior year deficit cellulosic biofuel volume obligations.'' [27] We believe this approach is appropriate because, in recent years, the use of CWCs has decreased as obligated parties have largely been complying with their cellulosic RVO through RIN retirements.[28] Accordingly, small refineries wishing to use CWCs for their 2020 cellulosic biofuel RVO must purchase and use CWCs by the 2020 compliance deadline.[29] Additionally, allowing small refineries to use CWCs to meet their cellulosic biofuel RVO through the alternative RIN retirement schedule (*i.e.,* after the 2020 compliance deadline) would introduce logistical challenges for EPA and small refineries that would complicate the implementation of the proposed alternative RIN retirement schedule. Moreover, it is unlikely that modifications to the CWC regulations would provide small refineries with a meaningful benefit in complying with their RFS obligations, when viewed in light of what we have already proposed in this alternative RIN retirement schedule.

We are proposing that a participating small refinery would not be permitted to carry forward a RIN deficit from 2021 or a subsequent year into the following compliance year unless it had fully complied with its 2020 RFS obligations. We are proposing this condition as a prerequisite to carrying forward a future RIN deficit because we want to prevent the scenario in which a small refinery continuously accrues annual RIN deficits, placing it in the position where it is no longer capable of complying with its accrued RFS obligations. The proposed alternative RIN retirement schedule is intended to support small refineries in achieving and maintaining full compliance with their RFS obligations and get them on track for future compliance, not to permit them to indefinitely delay their compliance demonstrations.

We note that all of the already existing regulatory flexibilities for small refineries—including the ability to satisfy up to 20 percent of their 2019 RVOs using 2018 carryover RINs under 40 CFR 80.1427(a)(5) and the ability to

[26] The regulations at 40 CFR 80.1428(a) note that any RIN that is not used for compliance purposes for the calendar year in which it was generated, or for the following calendar year, will be considered an expired RIN. Pursuant to 40 CFR 80.1431(a), an expired RIN will be considered an invalid RIN. We are not reopening these regulations, nor the regulations associated with which RIN vintages are available for compliance under 40 CFR 1427(a). Any comments relating to these issues will be treated as beyond the scope of this action.

[27] 40 CFR 80.1456(b)(4).

[28] See Table 4: RFS2 RIN Retirements in EMTS Nested by RVO and Table 6: Cellulosic Waiver Credits Purchased Annually at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/annual-compliance-data-obligated-parties-and.*

[29] 40 CFR 80.1456(c)(2).

carry forward a RIN deficit from 2019 to 2020 if they did not carry forward a RIN deficit from 2018 under 40 CFR 80.1427(b)—would continue to be available under the proposed alternative RIN retirement schedule. It should also be noted that other current RFS regulations will also remain in effect, including that small refineries that use 2018 RINs to meet up to 20 percent of their 2019 RVOs must do so by the 2019 compliance deadline because 2018 RINs expire after the 2019 compliance deadline and become invalid.[30] Similarly, any 2019 RINs that a small refinery uses to satisfy up to 20 percent of its 2020 RVOs must be retired for compliance by the 2020 compliance deadline because 2019 RINs expire after the 2020 annual compliance deadline and become invalid.[31] We are not proposing to modify these regulations and any comments suggesting that EPA make changes to these provisions will be considered beyond the scope of this action.

As described above, participating small refineries would still be able to use any valid RINs at the time of retirement under the proposed alternative RIN retirement schedule. We believe that this proposed approach would encourage participating small refineries to retire a maximum number of 2019 RINs for their 2020 RVOs while providing flexibility for small refineries to obtain and retire valid RINs for 2021, 2022, 2023, and 2024 to satisfy their 2020 RVOs.

To help implement the alternative RIN retirement schedule for participating small refineries, we intend to assist parties with procedures for submitting forms that they would use. For example, we plan to leverage existing forms and procedures for the submission of reports and transactions under our e-reporting systems. Due to the limited number of small refineries, we plan to work individually with participating small refineries. To further help communicate this alternative RIN retirement schedule for small refineries, we also intend to post the deadlines for the final alternative RIN retirement schedule on our website.[32]

We are requesting comment on all aspects of the proposed alternative RIN retirement schedule for small refineries as described and defined in this notice. For example, we seek comment on the appropriate number and size of the RIN retirement installments included in the schedule (*e.g.,* whether five quarterly installments are too many or too few or whether we should require a different percentage of RIN retirements at each deadline). We also seek comment on the proposed condition that participating small refineries may not carry forward a RIN deficit for future years until their 2020 RVOs have been fully satisfied.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review because it raises novel legal or policy issues. Any changes made in response to OMB recommendations have been documented in the docket.

B. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2718.01. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The information to be collected is necessary to implement the proposed alternative RIN retirement schedule for small refineries. As part of this proposal, a participating small refinery would submit a notification to EPA indicating that the small refinery would use the proposed alternative RIN retirement schedule and maintain records related to the determination and retirement of RINs under the proposed alternative RIN retirement schedule. We estimate that 13 small refineries would use the proposed alternative RIN retirement schedule.

Respondents/affected entities: small refineries.

Respondent's obligation to respond: Mandatory in order to receive compliance flexibility under section 80.1444 of this proposed rule.

Estimated number of respondents: 39.[33]

Frequency of response: Notification letters would typically be a one-time response. Recordkeeping is performed on occasion, and as needed.

Total estimated burden: 19 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,710, all of which is labor costs, and which includes $0 annualized capital or operation & maintenance costs.

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. The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at *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. OMB must receive comments no later than August 12, 2022.

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. In making this determination, EPA concludes that the impact of concern for this proposed rule is any significant adverse economic impact on small entities and that the agency is certifying that this rulemaking will not have a significant economic impact on a substantial number of small entities if the proposed rule has no net burden on the small entities subject to the proposed rule. This action reduces burden to small refineries by creating an alternative RIN retirement schedule for their 2020 RVOs. As small refineries have no obligation to use the proposed alternative RIN retirement schedule, there is no additional cost to small refineries if they simply comply with

[30] 40 CFR 80.1427(a)(6), 80.1428(c).

[31] 40 CFR 80.1427(a)(6).

[32] Information related to annual compliance and attest engagement reporting is available at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/reporting-fuel-programs.*

[33] We note that under this proposed alternative RIN retirement schedule, each participating small refinery would have to submit a notification letter, keep records of the submitted notification letter, and keep records of the methods and variables used to determine RIN retirements under the proposed alternative RIN retirement schedule. For purposes of estimating burden associated with reporting and recordkeeping as a result of this proposal, we count each small refinery three times. Because we estimate that 13 small refineries would elect to take advantage of the proposed alternative RIN retirement schedule, we estimate that the total number of respondents under this collection would be 39.

the existing regulatory schedule. We do not anticipate that there will be any costs associated with these changes and that the alternative RIN retirement schedule may reduce costs. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

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. This action imposes no enforceable duty on any state, local or tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

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. This proposed rule only affects RFS obligated parties. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This action proposes to provide small refineries with an alternative RIN retirement schedule to meet their 2020 RVOs. There are no additional costs for sources in the energy supply, distribution, or use sectors.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does establish an environmental health or safety standard. This action addresses the 2020 compliance deadline for small refineries only and does not impact the RFS standards themselves.

IV. Statutory Authority

Statutory authority for this action comes from section 211(*o*) of the Clean Air Act, 42 U.S.C. 7545(*o*).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Penalties, Petroleum, Renewable fuel, Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR part 80 as follows:

PART 80—REGISTRATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

Subpart M—Renewable Fuel Standard

■ 2. Add § 80.1444 to read as follows:

§ 80.1444 Alternative RIN retirement schedule for small refineries.

(a) *Applicability.* The provisions of this section apply to the following compliance years:

(1) 2020.

(2) [Reserved]

(b) *Eligibility.* (1) Any obligated party that has a refinery that meets the requirements for a small refinery under § 80.1441(e)(2)(iii) for the applicable compliance year in paragraph (a) of this section (hereinafter the ''applicable compliance year'') is eligible to use the provisions of this section for each small refinery it operates (hereinafter the ''small refinery'').

(c) *Treatment of RVOs.* (1) In lieu of retiring sufficient RINs under § 80.1427(a) to demonstrate compliance with the small refinery's RVOs for the applicable compliance year by the applicable compliance deadline, the obligated party must meet all the requirements of this section and all other applicable requirements of this subpart.

(2) If the obligated party does not meet all of the requirements in this section, the obligated party is subject to the requirements of § 80.1427(a).

(d) *Individual facility compliance.* (1) If the obligated party carries a deficit into the applicable compliance year from the previous compliance year, the obligated party must comply with its RVOs for each refinery it operates on an individual basis (as specified in § 80.1406(c)) for both the previous compliance year and the applicable compliance year.

(2) If the obligated party does not carry a deficit into the applicable compliance year from the previous compliance year, the obligated party must comply with its RVOs for each refinery it operates on an individual basis (as specified in § 80.1406(c)) for the applicable compliance year.

(e) *Compliance report submission and notification.* The obligated party must do all the following by the annual compliance reporting deadline specified in § 80.1451(f)(1)(i) for the applicable compliance year (hereinafter the ''applicable compliance deadline''):

(1) Submit an annual compliance report for the small refinery for the applicable compliance year.

(2) Notify EPA in a letter signed by the responsible corporate officer (RCO) or RCO delegate, as specified at 40 CFR 1090.800(d), of its intent to use the provisions of this section for the small refinery.

(f) *Alternative RIN retirement schedule.* The obligated party must retire sufficient RINs to satisfy the minimum percentages of each and every RVO for the applicable compliance year (as determined under § 80.1407(a)) according to the following RIN retirement schedule:

(1) 2020 compliance year:

TABLE 1 TO PARAGRAPH (f)(1)—2020 COMPLIANCE YEAR RIN RETIREMENT SCHEDULE

Minimum 2020 RVOs percentage RIN retirement	Deadline
20%	February 1, 2023.

TABLE 1 TO PARAGRAPH (f)(1)—2020 COMPLIANCE YEAR RIN RETIREMENT SCHEDULE—Continued

Minimum 2020 RVOs percentage RIN retirement	Deadline
40%	May 1, 2023.
60%	August 1, 2023.
80%	November 1, 2023.
100%	February 1, 2024.

(2) [Reserved]

(g) *RIN vintages and retirements.* (1) The obligated party may retire for compliance any valid RINs at the time of retirement towards the small refinery's RVOs for the applicable compliance year and is exempt from the requirements in § 80.1427(a)(6)(i).

(2) The obligated party must not retire for compliance any prior-year RINs for the small refinery's RVOs after the applicable compliance deadline.

(h) *Deficit carry-forward for subsequent compliance years.* The obligated party may not carry forward any deficit under § 80.1427(b) for the small refinery for compliance years after the applicable compliance year until it has retired sufficient RINs to satisfy each and every RVO for the applicable compliance year in its entirety.

(i) *Forms and procedures.* The obligated party must submit annual compliance reports and retire RINs under this section using forms and procedures specified by EPA under §§ 80.1451(j) and 80.1452(d).

■ 3. Amend § 80.1454 by adding paragraph (a)(7) to read as follows:

§ 80.1454 What are the recordkeeping requirements under the RFS program?

(a) * * *

(7) Any obligated party that uses the provisions of § 80.1444 for a small refinery must keep the following records:

(i) Copies of any notifications submitted to EPA under § 80.1444(e)(2).

(ii) Copies of the methods and variables used to calculate the number of RINs retired for the alternative RIN retirement schedule under § 80.1444(f).

* * * * *

[FR Doc. 2022–12375 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 525 and 531

[NHTSA–2008–0115]

Exemptions From Average Fuel Economy Standards; Passenger Automobile Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Proposed rule; withdrawal.

SUMMARY: NHTSA is withdrawing a proposed decision granting an exemption to Mosler Automotive (Mosler) from the industry-wide passenger car Corporate Average Fuel Economy standard for model years 2008–2010 and setting alternative standards for Mosler for those model years. Mosler did not produce any vehicles during those model years, and therefore granting the exemption would serve no useful purpose.

DATES: NHTSA is withdrawing the proposed rule published June 17, 2008 (73 FR 34242) as of June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Joseph Bayer, Engineer, Fuel Economy Division, Office of Rulemaking, by phone at (202) 366–9540 or by fax at (202) 493–2290 or Hannah Fish, Attorney Advisor, Vehicle Standards and Harmonization, Office of the Chief Counsel, by phone at (202) 366–2992 or by fax at (202) 366–3820.

SUPPLEMENTARY INFORMATION: NHTSA received a petition from Mosler on June 19, 2007, seeking exemption from the passenger automobile fuel economy standards for model years (MYs) 2008 through 2010. In its petition, Mosler stated that it manufactured 15 vehicles in 2004. Mosler estimated that it would produce 40 vehicles in 2008, 50 vehicles in 2009, and 60 vehicles in 2010. NHTSA published a proposed decision establishing an alternative standard for Mosler for MYs 2008–2010 at 73 FR 34242 (June 17, 2008). NHTSA has since confirmed that Mosler did not produce any vehicles for those model years. Therefore, NHTSA is withdrawing the June 17, 2008 proposed grant of exemption and establishment of alternative standards, because granting the exemption would serve no useful purpose.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95.

Steven S. Cliff,

Administrator.

[FR Doc. 2022–12601 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 87, No. 113
Monday, June 13, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Senior Executive Service: Membership of Performance Review Board

ACTION: Notice.

SUMMARY: This notice provides a list of approved candidates who comprise a standing roster for service on the Agency's 2022 SES Performance Review Board. The Agency will use this roster to select SES Performance Review Board members.

FOR FURTHER INFORMATION CONTACT: Lena Travers at 202–712–5636 or *ltravers@usaid.gov.*

SUPPLEMENTARY INFORMATION:

The standing roster is as follows:

Anoka, Jeffrey
Bader, Harry
Baker, Shawn
Ball, Kimberly
Bernton, Jeremy
Bertram, Robert
Broderick, Deborah
Buckley, Ruth
Davis, Thomas
Detherage, Maria Price
Ehmann, Claire
Feinstein, Barbara
Girod, Gayle
Jenkins, Robert
Jin, Jun
Johnson, Mark
Knudsen, Ciara
Kuyumjian, Kent
Longi, Maria
Lucas, Rachel
Maltz, Gideon
McGill, Brian
Mitchell, Reginald
Nims, Matthew
Ohlweiler, John
Pascocello, Susan
Pryor, Jeanne
Pustejovsky, Brandon
Schulz, Laura
Singh, Sukhvinder
Sokolowski, Alexander
Taylor, Margaret
Voorhees, John
Walther, Mark
Willis, Lindsey

Karen Baquedano,

Director, Center for Performance Excellence.

[FR Doc. 2022–12620 Filed 6–10–22; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 7, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection received by July 13, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: ARS Animal Health National Program Assessment Survey Form.

OMB Control Number: 0518–0042.

Summary of Collection: The Agricultural Research Service (ARS) covers the span of nutrition, food safety and quality, animal and plant production and protection, and natural resources and sustainable agricultural systems and it organized into seventeen National Programs addressing specific areas of this research. Research in the Agency is conducted through coordinated National Programs on a five-year cycle. The cycle ensures that ARS research meets OMB's Research and Development Investment Criteria and other external requirements, including the Research Title of the Farm Bill, and the Government Performance and Results Act of 1993 (GPRA). These National Programs serve to bring coordination, communication, and empowerment to approximately 660 research projects carried out by ARS and focus on the relevance, impact, and quality of ARS research. The requested voluntary electronic evaluation survey will give the beneficiaries of ARS research the opportunity to provide input on the impact of several ARS National Programs.

Need and Use of the Information: The purpose of the survey is to assess the impact of the research in the current National Program cycle and ensure relevance for the next cycle. The input provided through the completion of the evaluation form will be shared with customers, partners, and stakeholders as part of each National Program's assessment process. The survey is also used to engage stakeholders and partners and seek their input on research priorities for the next five-year national program research cycle. Failure to collect input from our customers on the impact of our research program would significantly inhibit the relevance and credibility of the research conducted at ARS.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 600.

Frequency of Responses: Reporting: Other (5 years).

Total Burden Hours: 104.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–12595 Filed 6–10–22; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket Number FSIS–2022–0009]

Siluriformes Fish Salmonella Sampling

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMMARY: The Food Safety and Inspection Service (FSIS) is announcing that, starting July 13, 2022, it will suspend its current FSIS *Salmonella* sampling program for Siluriformes fish and fish products based on consumer cooking practices, lack of recent outbreaks attributed to Siluriformes fish, and low percent positives detected.

DATES: Submit comments on or before July 13, 2022. FSIS will suspend *Salmonella* sampling in domestic and imported Siluriformes fish and fish products on July 13, 2022.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2022–0009. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development by telephone at (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2015, FSIS published the final rule, *Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish* (*https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/2008-0031F.pdf),* that established a mandatory inspection program for Siluriformes fish and fish products. The final rule codified in regulations the provisions of the 2008 and 2014 Farm Bills, which amended the Federal Meat Inspection Act, making Siluriformes fish an amenable species under FSIS jurisdiction and inspection.

As discussed in the final rule (80 FR 75590, 75593), FSIS considered the public health implications presented by Siluriformes fish in developing the regulations. FSIS also published the ''Assessment of the Potential Change in Human Health Risk associated with Applying Inspection to Fish of the order Siluriformes'' (*https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/Silurifomes-RA.pdf*) that assessed the food safety risk associated with consuming Siluriformes fish in the United States. The purpose of the risk assessment was to provide predictions of the public health benefits (*e.g.,* reduction in foodborne illnesses) that might accompany the implementation of a mandatory inspection system. The risk assessment identified *Salmonella* as a hazard of primary concern because: (1) It is the foodborne pathogen associated with Siluriformes fish (McCoy *et. al.,* Journal of Food Protection 74(3):500–16, 2011); (2) there were more available data for assessing the risk of human illnesses associated with *Salmonella* and assessing the effectiveness of an FSIS regulatory strategy for this hazard than other potential pathogens; (3) its occurrence in domestic processing facilities and retail catfish is documented; (4) its presence in Siluriformes fish imported to the United States is documented; and (5) Centers for Disease Control and Prevention identifies catfish as the vehicle associated with a 1991 outbreak of *Salmonella* Hadar.

In the final rule (80 FR 75590, 75607), FSIS announced that it would conduct sampling and testing of *Salmonella* in Siluriformes fish and fish products to determine the national baseline prevalence and levels of *Salmonella* on raw Siluriformes fish.

Current Salmonella Sampling Program, Results, and Conclusions

FSIS began testing domestic Siluriformes fish and fish products for *Salmonella* in May 2016 using the procedures outlined in FSIS Directive 14,010.1, *Speciation Residue and Salmonella Testing of Fish of the Order Siluriformes from Domestic Establishments* (*https://www.fsis.usda.gov/policy/fsis-directives/14010.1*) and began testing imported Siluriformes fish and fish products, using the procedures outlined in FSIS Directive 14,100.1, *Speciation, Residue, and Salmonella Testing of Fish of the Order Siluriformes at Official Import Inspection Establishments* (*https://www.fsis.usda.gov/policy/fsis-directives/14100.1*).

From May 2016 through the end of Fiscal Year 2020, FSIS collected and analyzed 3,970 samples of domestic and imported Siluriformes fish and fish products for *Salmonella.* FSIS published a report, *Data Summary of Siluriformes Fish Testing: A Five-Year Review, FY 2016–2020,* that discusses the results of the data. The report can be found at: *https://www.fsis.usda.gov/sites/default/files/media_file/2022-03/SiluriformesFishDataSummaryReport_03292022.pdf.*

As discussed in the report and shown in Table 1 (below), of the 3,970 samples of domestic and imported products tested, 80 samples tested positive for *Salmonella.* Domestic Siluriformes fish were an average of 3.53 percent positive for *Salmonella,* imported Siluriformes fish were an average of 0.32 percent positive for *Salmonella.*[1]

[1] The difference in the percent positive between imported and domestic may be attributed to imported Siluriformes fish typically being frozen, whereas domestic Siluriformes fish are typically fresh.

Table 1. Results of testing for *Salmonella* in domestic vs. imported Siluriformes fish

	Positive	Negative	Total	% Pos
Domestic	74	2,023	2,097	3.53%
Import	6	1,867	1,873	0.32%
Total	**80**	**3,890**	**3,970**	**2.02%**

While *Salmonella* is present on Siluriformes fish, there is limited data to support Siluriformes fish attribution to any *Salmonella* illnesses or outbreaks, except for the 1991 outbreak identified in the risk assessment. Most Siluriformes fish are consumed fully cooked, which could explain the limited number of illnesses and outbreaks associated with this product. Based on consumer cooking practices, lack of recent outbreaks attributed to Siluriformes fish, and low percent positives detected, FSIS has concluded that *Salmonella* does not pose a significant health hazard in Siluriformes fish. Given that *Salmonella* does not pose a significant health hazard in Siluriformes fish, FSIS intends to suspend its current *Salmonella* sampling in domestic and imported Siluriformes fish. FSIS will, however, continue to test Siluriformes fish for residues as part of our National Residue Program.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS website located at: *https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS website. Through the website, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,

Administrator.

[FR Doc. 2022–12663 Filed 6–10–22; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Huron-Manistee Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Huron-Manistee Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. 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 (FACA). 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 Huron-Manistee National Forests, consistent with the Federal Lands Recreation Enhancement Act. General information can be found at the following website: *https://www.fs.usda.gov/working-with-us/secure-rural-schools.*

DATES: The meeting will be held on July 12, 2022, 6:00 p.m.–10:00 p.m., Eastern 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 meeting will have two locations. For Oscoda County, the meeting will be held at 107 McKinley Road, Mio, Michigan 48647. For Wexford County, the meeting will be held at 1755 S Mitchell Street, Cadillac, Michigan 49601.

Members of the public also have the option to join virtually by dialing 1–

202–650–0123 and using access code 942008083#.

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: Greyling Brandt, Designated Federal Officer (DFO), by phone at 989–826–3252 or email at *greyling.brandt@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 meeting is to review all project propoals received by the Huron Manistee RAC.

The meeting is 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 date 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 Greyling Brandt, 107 McKinley Road, Mio, Michigan 48647 or by email to *greyling.brandt@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 7, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–12662 Filed 6–10–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Huron-Manistee Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Huron-Manistee Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. 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 (FACA). 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 Huron-Manistee National Forests, consistent with the Federal Lands Recreation Enhancement Act. General information can be found at the following website: *https://www.fs.usda.gov/working-with-us/secure-rural-schools.*

DATES: The meeting will be held on June 21, 2022, 6:00 p.m.–10:00 p.m., Eastern 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 meeting will have two locations. For Oscoda County, the meeting will be held at 107 McKinley Road, Mio, Michigan 48647. For Wexford County, the meeting will be held at 1755 S. Mitchell Street, Cadillac, Michigan 49601. Members of the public also have the option to join virtually by dialing 1–202–650–0123 and using access code 942008083#.

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: Greyling Brandt, Designated Federal Officer (DFO), by phone at 989–826–3252 or email at *greyling.brandt@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 meeting is to review all project propoals received by the Huron Manistee RAC.

The meeting is 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 date 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 Greyling Brandt, 107 McKinley Road, Mio, Michigan 48647 or by email to *greyling.brandt@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 7, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–12664 Filed 6–10–22; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Webex at 11:00 a.m. CT on Thursday, July 28, 2022. The purpose of this meeting is to discuss the Committee's project on policing practices in the state.

DATES: The meeting will take place on Thursday, July 28, 2022, from 11:00 a.m.–12:00 p.m. CT.

ADDRESSES:

Link to Join (Audio/Visual): https://tinyurl.com/4t2vm9b2

Telephone (Audio Only): Dial (800) 360–9505 USA Toll Free; Access Code: 2762 387 5157

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or (202) 656–8937.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at (800) 877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email *dbarreras@usccr.gov* at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at *lschiller@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

I. Welcome & Roll Call
II. Civil Rights Discussion
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: June 7, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–12597 Filed 6–10–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

[Docket No. 220324–0077]

Privacy Act of 1974; System of Records

AGENCY: Department of Commerce, Office of Inspector General.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), and the Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' the Department of Commerce (the Department) is issuing this notice of its intent to amend the system of records under ''COMMERCE/DEPT–12, OIG Investigative Records'' to change the system name to ''COMMERCE/OIG–1, OIG Investigative Records,'' and to generally update the system's notice. This system of records is used by the Department's Office of Inspector General (OIG) to carry out its statutory responsibilities under the Inspector General Act of 1978, as amended (Inspector General Act) to conduct and supervise investigations, prevent and detect fraud, waste, mismanagement, and abuse, and promote economy, efficiency, and effectiveness in Department programs and operations. We invite public comment on the system amendments announced in this publication.

DATES: This amended system of records will become effective upon publication, subject to a 30-day comment period in which to comment on new or amended routine uses. To be considered, written comments must be submitted on or before July 13, 2022.

ADDRESSES: Please address comments to the Office of Inspector General Office of Counsel, Room 7896, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; by email to *OIGCounsel@oig.doc.gov;* or by facsimile to (202) 501–7335.

FOR FURTHER INFORMATION CONTACT: OIG Office of Counsel Phone: (202) 792–3317.

SUPPLEMENTARY INFORMATION: This notice announces several changes to the system of records for OIG investigative records. The sections of the system's notice to be updated are: System Name; Security Classification; System Locations; Categories of Individuals Covered by the System; Categories of Records in the System; Authority for Maintenance of the System; Purposes; Routine Uses of Records Maintained in the System; Storage; Safeguards; Retention and Disposal; System Manager and Address; Record Access Procedures; Record Source Categories; and System Exemptions. Newly proposed routine use (RU) numbers 8 and 25 are being added to permit, respectively, disclosures to the Office of Government Information Services (OGIS), National Archives and Records Administration (NARA) in connection with OGIS's responsibilities under the Freedom of Information Act, 5 U.S.C. 552, and to public authorities for use in computer matching programs. In addition, RU 21 is updated, and new RU 22 is added in accordance with Office of Management and Budget (OMB) Memorandum M–17–12. This amendment also moves part of existing RU 9 (COMMERCE/DEPT–12) (now RU 10) to a separately numbered new RU 5, with no substantive change, and makes

clarifying changes to RUs numbered below as 1, 5, and 23. Throughout the notice, this amendment makes other minor changes or administrative edits, including the reordering of sections consistent with OMB guidance, the deletion of RU 1 (COMMERCE/DEPT–12), which is duplicative as encompassed by RU 10 (COMMERCE/DEPT–12) (now RU 11), and the renumbering of RUs as needed to reflect that deletion as well as the addition of the newly proposed RUs described above.

The changes are needed to ensure that the notice for this system of records is up-to-date, accurate, and current, as required by the Privacy Act. OMB Circular A–108 requires agencies to periodically review systems of records notices for accuracy and completeness, paying special attention to changes in the manner in which records are organized, indexed, or retrieved that result in a change in the nature or scope of these records. When any of the aforementioned changes occur, the Privacy Act requires agencies to publish in the **Federal Register** upon revision of a system of records, a notice that describes the amendments to the system of records.

The Privacy Act also requires each agency that proposes to establish a new system of records, or significantly modify an existing system of records (such as by adding new routine uses), to provide adequate advance notice of any such proposal to the OMB, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate (5 U.S.C. 552a(r)). The purpose of providing the advance notice to OMB and Congress is to permit an evaluation of the potential effect of the proposal on the privacy and other rights of individuals. The Department filed a report describing the amended system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, OMB, on March 29, 2022.

SYSTEM NAME AND NUMBER:

COMMERCE/OIG–1, OIG Investigative Records.

SECURITY CLASSIFICATION:

Controlled Unclassified Information (CUI).

SYSTEM LOCATIONS:

U.S. Department of Commerce, Office of Inspector General, 1401 Constitution Avenue NW, Washington, DC 20230, and U.S. Department of Commerce, Office of Inspector General, regional and field offices.

SYSTEM MANAGER AND ADDRESS:

Assistant Inspector General for Investigations, Room 7886B, Office of Inspector General, United States Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as amended, 5 U.S.C. App. (Inspector General Act).

PURPOSE(S) OF THE SYSTEM:

The records contained in this system are used or are available for use by the Office of Inspector General (OIG) to carry out its statutory responsibilities under the Inspector General Act to conduct and supervise investigations, prevent and detect fraud, waste, mismanagement, and abuse, and promote economy, efficiency, and effectiveness in the programs and operations of the Department of Commerce (the Department). The records may be used in the course of investigating individuals and entities suspected of criminal, civil, or administrative misconduct and in supporting related judicial and administrative proceedings or in conducting preliminary inquiries undertaken to determine whether to commence an investigation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, OIG maintains records in its records system on the following categories of individuals insofar as they may be relevant to any investigation or preliminary inquiry undertaken to determine whether to commence an investigation: subjects of investigations; complainants; witnesses; confidential and non-confidential informants; contractors; subcontractors; recipients of Federal funds and their contractors/subcontractors and employees; individuals interacting with Department employees or management; current, former, and prospective Department employees; alleged violators of Department rules and regulations; union officials; individuals who are investigated and/or interviewed; persons suspected of violations of administrative, civil, and/or criminal provisions; grantees; sub-grantees; lessees; licensees; persons engaged in official business with the Department; or other persons identified by OIG or by other agencies, constituent units of the Department, and members of the general public in connection with the authorized functions of the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains investigative reports and materials received, gathered, or created regarding or supporting investigations, or preliminary inquiries undertaken to determine whether to commence an investigation, of administrative, civil, and criminal matters by OIG and/or other Federal, State, local, tribal, territorial, non-governmental, international, foreign regulatory, or foreign law enforcement agencies or entities. Categories of records may include: complaints; requests to investigate; information contained in criminal, civil, or administrative referrals; statements from subjects and/or witnesses; affidavits, transcripts, police reports, photographs, and/or documents relative to a subject's prior criminal record; medical records; accident reports; materials and intelligence information from other governmental investigatory or law enforcement organizations; information relative to the status of a particular complaint or investigation, including any determination relative to criminal prosecution, civil, or administrative action; general case management documentation; subpoenas and evidence obtained in response to subpoenas; evidence logs; pen registers; correspondence; personal information, including financial, employment, and biometric data and Social Security Numbers; forensic computer images; records of investigation; and other data and evidence received, collected, or generated by OIG's Office of Investigations while conducting its official duties. Social Security Numbers are maintained in the system pursuant to authority under the Inspector General Act and are collected or received and maintained in the system as necessary by OIG to carry out its statutory responsibilities under the Inspector General Act.

RECORD SOURCE CATEGORIES:

As described below in ''Exemptions Promulgated for the System,'' the OIG claims an exemption from disclosure of record source categories under 5 U.S.C. 552a(e)(4)(I). Notwithstanding the foregoing, OIG may collect information from a wide variety of sources, including information from the Department and other Federal, State, and local agencies, subjects, witnesses, complainants, victims, confidential and non-confidential sources, individuals, and non-governmental entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system may be disclosed to authorized individuals and/or entities, as is determined to be compatible with the purposes for which the record was collected, as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. In the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to duly-authorized investigators or opposing parties in the course of discovery or settlement negotiations.

2. To a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

3. To the Office of Management and Budget (OMB) in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. To the Department of Justice (DOJ) or any other Federal agency that has an interest in the record in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552) (FOIA).

5. To DOJ or any other Federal agency, to the extent necessary to obtain their advice on any matter relevant to an OIG investigation, including matters concerning the FOIA and the Privacy Act (5 U.S.C. 552a).

6. To the Office of Personnel Management (OPM) for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

7. To the General Services Administration (GSA) or the National Archives and Records Administration (NARA) during an inspection of records conducted by GSA or NARA under the authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA or NARA regulations governing inspection of records for this purpose and any other relevant (*i.e.,* GSA, NARA, or Department) directive. Such disclosure shall not be used to make determinations about individuals.

8. To the Office of Government Information Services (OGIS), NARA, to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h) to review administrative policies, procedures, and compliance with the FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

9. To the appropriate agency or entity, whether Federal, State, local, tribal, territorial, foreign, or international, charged with the responsibility for investigating or prosecuting a violation of any law, rule, regulation, or order. Routine use for law enforcement purposes also includes disclosure to individuals or to agencies, whether Federal, State, local, tribal, territorial, foreign, or international, when necessary to further the ends of an investigation.

10. To the DOJ or any other Federal agency that is responsible for representing Department interests in connection with judicial, administrative, or other proceedings. This includes circumstances in which:

(1) the Department or OIG, or any component thereof;

(2) any employee of the Department or OIG in his or her official capacity;

(3) any employee of the Department or OIG in his or her individual capacity, where DOJ or any other agency that is responsible for representing Department interests has agreed to represent or is considering a request to represent the employee; or

(4) the United States, or any of its components, is a party to a pending or potential judicial, administrative, or other proceeding or has an interest in such proceeding; the Department or OIG is likely to be affected by the proceeding; or the Department or OIG determines that the use of such records by the DOJ or any other Federal agency that is responsible for representing Department interests is relevant and necessary to the proceeding.

11. To any source from which additional information is requested in order to obtain information relevant to: A decision by either the Department or OIG concerning the hiring, assignment, or retention of an individual or other personnel action; the issuance, renewal, retention, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance, retention, or revocation of a license, grant, award, contract, or other benefit to the extent the information is relevant and necessary to a decision by the Department or OIG on the matter.

12. To a Federal, State, local, tribal, territorial, foreign, international, or other public authority in response to its request in connection with: The hiring, assignment, or retention of an individual; the issuance, renewal, retention, or revocation of a security clearance; the reporting of an investigation of an individual; the execution of a security or suitability investigation; the letting of a contract; or the issuance, retention, or revocation of a license, grant, award, contract, or other benefit conferred by that entity to the extent that the information is relevant and necessary to the requesting entity's decision on the matter.

13. In the event that a record, either by itself or in combination with other information, indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department or OIG, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency or entity, whether federal, state, local, tribal, territorial, or foreign, or international, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department or OIG.

14. To any source from which additional information is requested, either private or governmental, to the extent necessary to solicit information relevant to any investigation, audit, or evaluation.

15. To a foreign government or international organization pursuant to an international treaty, convention, implementing legislation, or executive agreement entered into by the United States.

16. To contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Department or OIG, who have a need to access the information in the performance of their duties or activities. When appropriate, recipients will be required to comply with the requirements of the Privacy Act as provided in 5 U.S.C. 552a(m).

17. To representatives of OPM, the Office of Special Counsel, the Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, the Office of Government Ethics, and

other Federal agencies in connection with their efforts to carry out their responsibilities to conduct examinations, investigations, and/or settlement efforts, in connection with administrative grievances, complaints, claims, or appeals filed by an employee, or as may be authorized by law.

18. To a grand jury agent pursuant to a Federal or State grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

19. To the Departments of the Treasury and Justice in circumstances in which OIG seeks to obtain, or has in fact obtained, an ex parte court order to obtain tax return information from the Internal Revenue Service.

20. To any Federal official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations for purposes of reporting to the President and Congress on the activities of OIG. This disclosure category includes other Federal Offices of Inspectors General and members of the Council of the Inspectors General on Integrity and Efficiency, and officials and administrative staff within their investigative chain of command, as well as authorized officials of DOJ and its component, the Federal Bureau of Investigation.

21. To appropriate agencies, entities, and persons when (1) the Department or the OIG suspects or has confirmed that there has been a breach of the system of records; (2) the Department or the OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department, the OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's or OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

22. To another Federal agency or Federal entity, when the OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

23. To the public or to the media for release to the public when (1) the matter under investigation has become public knowledge or the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the Inspector General audit, inspection, review, or investigative process, or is necessary to demonstrate the accountability of Department employees, officers, or individuals covered by the system; and (2) the Inspector General, after receipt of a written recommendation from Counsel to the Inspector General, makes a written determination that the release of the specific information in the context of a particular case would not constitute an unwarranted invasion of personal privacy.

24. To Congress, congressional committees, or the staffs thereof, in order to fulfill the Inspector General's responsibility, as mandated by the Inspector General Act, to keep the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies concerning the administration of programs and operations administered or financed by the Department.

25. To a Federal, State, local, or foreign agency, or other public authority, for use in computer matching programs or similar activities, as authorized by the Inspector General Act, to prevent and detect fraud, waste, and abuse and to support civil and criminal law enforcement activities of any agency or its components.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and other media (photographs, audio recording, diskettes, CDs, etc.) are kept in limited-access areas during duty hours, which are locked during nonduty hours. Electronic records are maintained on servers, which house OIG's case management system and electronic discovery tool. Servers are maintained in a secured, restricted-area facility.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Electronic searches may be performed by search criteria that include case numbers, names of individuals or organizations, and other key word search variations. Paper records are retrieved by indices cross-referenced to file numbers.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with OIG Records Retention Schedules approved by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are kept in limited-access areas during duty hours and in locked offices during nonduty hours, and are used only by authorized, screened personnel. Electronic records are stored on servers maintained in a locked facility that is secured at all times by security systems and video cameras. Data in the system are encrypted and password protected. Access to electronic records is restricted to OIG staff and contractors individually authorized to access the case management or electronic discovery system. Passwords are changed periodically, in accordance with OIG policy. Backup tapes are stored in a locked and controlled room in a secure off-site facility.

RECORD ACCESS PROCEDURES:

The Inspector General has exempted this system from the access procedures of the Privacy Act.

CONTESTING RECORD PROCEDURES:

The Inspector General has exempted this system from the contest procedures of the Privacy Act.

NOTIFICATION PROCEDURES:

The Inspector General has exempted this system from the procedures of the Privacy Act relating to individuals' requests for notification of the existence of records on themselves.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Inspector General Act mandates that the Inspector General recommend policies for, and conduct, supervise and coordinate activities in the Department and between the Department and other Federal, State, and local government agencies with respect to all matters relating to the prevention and detection of fraud in programs and operations administered or financed by the Department, and to the identification and prosecution of participants in such fraud. Under the Inspector General Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law, the Inspector General must report the matter expeditiously to the Attorney General. In addition to these principal functions pertaining to the enforcement of criminal laws, the Inspector General

may receive and investigate complaints on information from various sources concerning the possible existence of activities constituting violations of law, rules, or regulations, or mismanagement, gross waste of funds, abuses of authority, or substantial and specific danger to the public health and safety. The provisions of the Privacy Act from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows: 5 U.S.C. 552a(c)(3) and (4); 5 U.S.C. 552a(d); 5 U.S.C. 552a(e)(1), (2) and (3); 5 U.S.C. 552a(e)(4)(G), (H), and (I); 5 U.S.C. 552a(e)(5) and (8); 5 U.S.C. 552a(f); and 5 U.S.C. 552a(g).

To the extent that the exemption under 5 U.S.C. 552a(j)(2) is held to be invalid, then the exemptions under 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5) are claimed for all material which meets the criteria of these three subsections.

The provisions of the Privacy Act from which exemptions are claimed under 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5) are as follows: 5 U.S.C. 552a(c)(3); 5 U.S.C. 552a(d); 5 U.S.C. 552a(e)(1); 5 U.S.C. 552a(e)(4)(G), (H), and (I); and 5 U.S.C. 552a(f).

Reasons for exemptions: In general, the exemption of this information and material is necessary to accomplish the law enforcement function of the Office of Inspector General, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Additional details are as follows:

Reasons for exemptions under 5 U.S.C. 552a(j)(2) and (k)(2):

(1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation. More broadly, the application of this provision could reveal the OIG's investigative interests, which could compromise those investigative interests. Application of this provision could also disclose the confidentiality or privacy interests of others.

(2) 5 U.S.C. 552a(c)(4), (d), (e)(4)(G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in records systems. This system is exempt from the foregoing provisions for the reasons set forth in this paragraph. Notifying an individual at the individual's request of the existence of investigative records pertaining to such individual, or granting access to an investigative file, could interfere with investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or other impartial adjudication, constitute an unwarranted invasion of personal privacy of others, disclose the identity of confidential sources, reveal confidential information supplied by these sources, and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could require disclosure of investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to identify, detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to determine relevance or necessity of specific information in the early stages of a criminal or other investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his or her jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relates to matters incidental to the main purpose of the investigation, but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of the provision would impair investigations of illegal acts, violations of the rules of conduct, merit system, and any other misconduct for the following reasons:

a. In certain instances the subject of an investigation cannot be required to supply information to investigators. In those instances, information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct, etc., must be obtained from other sources.

b. Most information collected about an individual under investigation is obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his or her activities.

c. The subject of an investigation will be alerted to the existence of an investigation if any attempt is made to obtain information from the subject. This could afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

d. In any investigation, it is necessary to obtain evidence from a variety of sources other than the subject of the investigation to verify the evidence necessary for successful litigation.

(6) 5 U.S.C. 552a(e)(3) requires that an agency must inform an individual who is asked to supply information of:

a. The authority under which the information is sought and whether

disclosure of the information is mandatory or voluntary,

b. The purposes for which the information is intended to be used,

c. The routine uses which may be made of the information, and

d. The effects on the individual, if any, of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The disclosure to the subject of the investigation as stated in (b) above would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(ii) If the subject were informed of the information required by this provision, it could seriously interfere with undercover activities requiring disclosure of undercover agents' identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contacted during preliminary information-gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

(7) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Because the law defines ''maintain'' to include the collection of information, complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

(8) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record of such individual is made available to any persons under compulsory legal process when such process becomes a matter of public record. The notice requirements of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

Reasons for exemptions under 5 U.S.C. 552a(k)(1):

(1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation, and that such persons are subjects of that investigation, information which if known might cause damage to national defense or foreign policy.

(2) 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigations undertaken in connection with national security; or could disclose the identity of sources kept secret to protect national defense or foreign policy or reveal confidential information supplied by these sources.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose the identity of sources kept secret to protect national defense or foreign policy.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to determine relevance or necessity of specific information in the early stages of an investigation involving national defense or foreign policy matters.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his or her jurisdiction. In the interests of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation, but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

Reasons for exemptions under 5 U.S.C. 552a(k)(5):

(1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subject with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(2) 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the reasons set forth in this paragraph. Notifying an individual at the individual's request of the existence of investigative records pertaining to such individual, or granting access to an investigative file, could interfere with investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or

other impartial adjudication, constitute an unwarranted invasion of personal privacy of others, disclose the identity of confidential sources and reveal confidential information supplied by these sources, and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to make fair and objective decisions on questions of suitability for Federal employment and related issues.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to determine relevance or necessity of specific information in the early stages of an investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after that information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his or her jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation, but which may relate to matters under investigative jurisdiction of another agency. Such information cannot readily be segregated.

HISTORY:

80 FR 34887, June 18, 2015, Effective Date Notice.

80 FR 26217, May 7, 2015, Notice of Proposed Amendment.

77 FR 15038, March 14, 2012, Effective Date Notice.

77 FR 5234, February 2, 2012, Notice of Proposed Amendment.

77 FR 2692, January 19, 2012, Notice of Proposed Amendment.

March 29, 2022, Notice of New System of Record.

Jennifer Goode,

Department of Commerce, Deputy Director and Acting Chief Privacy Officer, and Director of the Office of Privacy and Open Government.

[FR Doc. 2022–12565 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of National Advisory Council on Innovation and Entrepreneurship Meeting

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a public meeting on Tuesday, July 12, 2022. In May 2022, U.S. Secretary of Commerce Gina M. Raimondo appointed a new cohort of 32 members who will serve two-year terms. Members will meet for the first time to hear from Federal innovation and entrepreneurship policymakers and discuss potential policies that would foster innovation, increase the rate of technology commercialization, and catalyze the creation of jobs in the United States. Topics to be covered include the development of a national entrepreneurship strategy, an overview of Federal support for technology innovation and entrepreneurship, and an exploration of critical emerging technologies.

DATES: Tuesday July 12, 2022, 9:00 a.m.–4:00 p.m. ET.

ADDRESSES: Herbert Clark Hoover Building (HCHB), 1401 Constitution Ave. NW, Washington, DC 20230. The main entrance to HCHB is located on the west side of 14th St. NW between D St. NW, and Constitution Ave. NW, and a valid government-issued ID is required to enter the building. Visitors to HCHB must comply with and adhere to the Department of Commerce's COVID–19 policies and protocols in effect at the time of the meeting, which can be found at the Department's COVID–1 Information Hub at *https://www.commerce.gov/covid-19-information-hub.* Please note that pre-clearance is required both to attend the meeting in person and to make a statement during the public comment portion of the meeting. Please limit comments to five minutes or less and submit a brief statement summarizing your comments to Eric Smith (see contact information below) no later than 11:59 p.m. ET on Wednesday, July 6, 2022. Teleconference or web conference connection information will be published prior to the meeting along with the agenda on the NACIE website at *https://www.eda.gov/oie/nacie/.*

FOR FURTHER INFORMATION CONTACT: Eric Smith, Office of Innovation and Entrepreneurship, 1401 Constitution Avenue NW, Room 78018, Washington, DC 20230; email: *nacie@doc.gov;* telephone: +1 202 482 8001. Please reference ''NACIE July 2022 Meeting'' in the subject line of your correspondence.

SUPPLEMENTARY INFORMATION: NACIE, established pursuant to Section 25(c) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3720(c)), and managed by EDA's Office of Innovation and Entrepreneurship, is a Federal Advisory Committee Act committee that provides advice directly to the Secretary of Commerce.

NACIE will be charged with developing a national entrepreneurship strategy that strengthens America's ability to compete and win as the world's leading startup nation and as the world's leading innovator in critical emerging technologies. NACIE is also charged with identifying and recommending solutions to drive the innovation economy, including growing a skilled STEM workforce and removing barriers for entrepreneurs ushering innovative technologies into the market. The council also facilitates federal dialogue with the innovation, entrepreneurship, and workforce development communities. Throughout its history, NACIE has presented recommendations to the Secretary of Commerce along the research-to-jobs continuum, such as increasing access to capital, growing and connecting entrepreneurial communities, fostering small business-driven research and development, supporting the commercialization of key technologies, and developing the workforce of the future.

The final agenda for the meeting will be posted on the NACIE website at *http://www.eda.gov/oie/nacie/* prior to the meeting. Any member of the public may submit pertinent questions and comments concerning NACIE's affairs at any time before or after the meeting.

Comments may be submitted to Eric Smith (see contact information above). Those unable to attend the meetings in person but wishing to listen to the proceedings can do so via teleconference or web conference (see above). Copies of the meeting minutes will be available by request within 90 days of the meeting date.

Dated: June 8, 2022.

Eric Smith,

Director, Office of Innovation and Entrepreneurship.

[FR Doc. 2022–12681 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; International Import Certificate

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 12, 2022.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at *mark.crace@bis.doc.gov* or to *PRAcomments@doc.gov*). Please reference OMB Control Number 0694–0017 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Crace, IC Liaison, Bureau of Industry and Security, phone 202–482–8093 or by email at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States and several other countries have increased the effectiveness of their respective controls over international trade in strategic commodities by means of an Import Certificate procedure. For the U.S. importer, this procedure provides that, where required by the exporting country, the importer submits an international import certificate to the U.S. Government to certify that he/she will import commodities into the United States and will not reexport such commodities, except in accordance with the export control regulations of the United States. The U.S. Government, in turn, certifies that such representations have been made.

II. Method of Collection

Paper or Electronic.

III. Data

OMB Control Number: 0694–0017.

Form Number(s): BIS –645P.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 195.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 52.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Pub. L. 95–223 Sec 203. International Emergency Economic Powers Act (IEEPA).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–12683 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–886]

Polyethylene Retail Carrier Bags From the People's Republic of China: Final Determination of No Shipments; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (collectively, Nozawa), had no shipments of polyethylene retail carrier bags (PRCB) from the People's Republic of China (China) to the United States during the period of review (POR), August 1, 2020, through July 31, 2021.

DATES: Applicable June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Claudia Cott, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4270.

SUPPLEMENTARY INFORMATION:

Background

On April 19, 2022, Commerce published the *Preliminary Results* of the 2020–2021 administrative review of the antidumping duty order on PRCBs from China.[1] We invited parties to comment on the *Preliminary Results*.[2] No party

[1] *See Polyethylene Retail Carrier Bags from the People's Republic of China: Preliminary Determination of No* Shipments and Rescission of Review in Part; 2020–2021, 87 FR 23165 (April 19, 2022) (*Preliminary Results*).

[2] *Id.*

submitted comments or requested that a hearing be held.

Commerce conducted this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [3]

The products covered by the *Order* are PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.,* grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the *Order* excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.,* garbage bags, lawn bags, trash-can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of this *Order.* Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this *Order* is dispositive.

Final Determination of No Shipments

In the *Preliminary Results,* Commerce preliminarily determined that Nozawa had no shipments of subject merchandise during the POR.[4] We received no comments from interested parties with respect to this claim. Therefore, because we have not received any information to contradict our preliminary no-shipments determination, nor any comment in opposition to our preliminary finding, Commerce continues to find that Nozawa had no shipments during the POR.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[5] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, and we did not self-initiate a review, the China-wide entity rate (*i.e.,* 77.57 percent) [6] is not subject to change as a result of this review.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results within five days of the 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). However, Commerce did not calculate a weighted-average dumping margin for Nozawa, the sole mandatory respondent remaining in this review,[7] nor for the China-wide entity. Therefore, there are no calculations to disclose for these final results.

Assessment Rates

Because we have determined that Nozawa had no shipments of subject merchandise in this review, Commerce will instruct U.S. Customs and Border Protection (CBP) to liquidate any suspended entries that entered under Nozawa's case number (*i.e.,* at Nozawa's cash deposit rate) at the China-wide entity rate (*i.e.,* 77.57 percent).[8]

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 PRCBs from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review in the **Federal Register**, as provided by section 751(a)(2) of the Act: (1) for previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 77.57 percent); and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter (or, if unidentified, that of the China-wide entity). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the

[3] *See Antidumping Duty Order: Polyethylene Retail Carrier Bags from the People's Republic of China,* 69 FR 48201 (August 9, 2004) (*Order*).

[4] *Preliminary Results,* 87 FR at 23166.

[5] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in* Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings, 78 FR 65963 (November 4, 2013).

[6] *See Order,* 69 FR at 48203.

[7] Commerce rescinded the review in part with respect to Crown Polyethylene Products (International) Ltd., the only other mandatory respondent subject to this review. *See Preliminary Results,* 87 FR at 23166.

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65695 (October 24, 2011).

regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12708 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Final Results of Expedited Fifth 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 Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on pure magnesium from the People's Republic of China (China) 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 13, 2022.

FOR FURTHER INFORMATION CONTACT: John Conniff, 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) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 2022, Commerce published the notice of initiation of the sunset review of the AD order on pure magnesium from China,[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On March 7, 2022, Commerce received a notice of intent to participate from US Magnesium LLC (US Magnesium), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] US Magnesium claimed domestic interested party status under section 771(9)(C) of the Act, as a manufacturer of domestic like product in the United States.[4] On March 21, 2022, US Magnesium 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 April 20, 2022, 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 is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by the *Order* is pure magnesium from China. 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 an 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.* A list of the issues discussed in the decision memorandum is attached as an appendix to this notice.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(c) 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 108.26 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 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(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2022–12707 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Notice of Antidumping Duty Order: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation,* 60 FR 25691 (May 12, 1995) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 87 FR 11416 (March 1, 2022).

[3] *See* US Magnesium's Letter, ''Five-Year ('Sunset') Review of Antidumping Duty Order on Pure Magnesium from The People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated March 7, 2022.

[4] *Id.* at 2.

[5] *See* US Magnesium's Letter, ''Five-Year ('Sunset') Review of Antidumping Duty Order on Pure Magnesium from The People's Republic of China: Domestic Industry Substantive Response,'' dated March 21, 2022.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on March 1, 2022,'' dated April 20, 2022.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Expedited Sunset Review of Pure Magnesium from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822, A–583–820]

Helical Spring Lock Washers From People's Republic of China and Taiwan: Final Results of Fifth Sunset Review and Revocation of Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 1, 2022, the U.S. Department of Commerce (Commerce) initiated the fifth sunset review of the antidumping duty (AD) orders on helical spring lock washers from the People's Republic of China (China) and Taiwan. Because no domestic interested party responded to the sunset review notice of initiation by the application deadline, Commerce is revoking the AD orders on helical spring lock washers from China and Taiwan.

DATES: Applicable May 26, 2022.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, AD/AD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3464.

SUPPLEMENTARY INFORMATION:

Background

On June 28 and October 19, 1993, Commerce issued the AD orders on helical spring lock washers from Taiwan and China, respectively.[1] On May 26, 2017, Commerce published the most recent continuation of the *Orders* on helical spring lock washers from China and Taiwan.[2] On April 1, 2022, Commerce initiated the current sunset review of the *Orders* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3]

We did not receive a notice to participate in this sunset review from any domestic interested party, pursuant to 19 CFR 351.218(d)(1)(i). As a result, in accordance with 19 CFR 351.218(d)(1)(iii)(A), Commerce determined that no domestic interested party intends to participate in the sunset review. On April 22, 2022, Commerce notified the International Trade Commission in writing that we intended to revoke the *Orders* on helical spring lock washers from China and Taiwan, consistent with 19 CFR 351.218(d)(1)(iii)(B).[4]

Scope of the Orders

The products covered by the *Orders* are helical spring lock washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. Helical spring lock washers are designed to: (1) function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

Helical spring lock washers subject to the *Orders* are currently classifiable under subheadings 7318.21.0000, 7318.21.0030, and 7318.21.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party responds to a notice of initiation, Commerce shall, within 90 days after the initiation of review, revoke the order. Because no domestic interested party filed a notice of intent to participate in these sunset reviews, we determine that no domestic interested party is participating in these sunset reviews. Therefore, we are revoking the *Orders.*

Effective Date of Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), Commerce intends to instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to these *Orders* entered, or withdrawn from the warehouse, on or after May 26, 2022, the fifth anniversary of the date of publication of the last continuation notice.[5] Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD deposit requirements. Commerce may conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Notifications to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c) and 777(i)(1) of the Act, and 19 CFR 351.218(d)(1)(iii)(B)(3) and 351.222(i)(1)(i).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12710 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Duty Order: Certain Helical Spring Lock Washers from Taiwan,* 58 FR 34567 (June 28, 1993); and *Antidumping Duty Order: Certain Helical Spring Lock Washers from the People's Republic of China,* 58 FR 53914 (October 19, 1993) (collectively, *Orders*).

[2] *See Certain Helical Spring Lock Washers from the People's Republic of China and Taiwan: Continuation of Antidumping Duty Orders,* 82 FR 24301 (May 26, 2017) (*2017 Continuation Notice*).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 87 FR 19069 (April 1, 2022).

[4] *See* Commerce's Letter, ''Sunset Reviews for April 2022,'' dated April 22, 2022.

[5] *See 2017 Continuation Notice.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–823, A–570–958, C–560–824, C–570–959]

Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From Indonesia and the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) have determined that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on coated paper suitable for high-quality print graphics using sheet-fed presses (coated paper) from Indonesia and the People's Republic of China (China) would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Therefore, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Smith (AD—China and Indonesia), Michael A. Romani (CVD—China), or Daniel Alexander (CVD—Indonesia), AD/CVD Operations, Offices III, I, or VII, respectively, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2181, (202) 482–0198, or (202) 482–4313, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 17, 2010, Commerce published in the **Federal Register** the AD and CVD orders on coated paper from China and Indonesia.[1] On December 1, 2021, the ITC instituted,[2] and Commerce initiated,[3] the second sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies and, therefore, notified the ITC of the magnitude of the margins and net subsidy rates likely to prevail should the *Orders* be revoked.[4] On June 7, 2022, the ITC published its determinations, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The merchandise covered by the *Orders* includes certain coated paper and paperboard[6] in sheets suitable for high quality print graphics using sheet-fed presses; coated on one or both sides with kaolin (China or other clay), calcium carbonate, titanium dioxide, and/or other inorganic substances; with or without a binder; having a GE brightness level of 80 or higher,[7] weighing not more than 340 grams per square meter; whether gloss grade, satin grade, matte grade, dull grade, or any other grade of finish; whether or not surface-colored, surface-decorated, printed (except as described below), embossed, or perforated; and irrespective of dimensions (Certain Coated Paper).

Certain Coated Paper includes (a) coated free sheet paper and paperboard that meets this scope definition; (b) coated groundwood paper and paperboard produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other coated paper and paperboard that meets this scope definition.

Certain Coated Paper is typically (but not exclusively) used for printing multi-colored graphics for catalogues, books, magazines, envelopes, labels and wraps, greeting cards, and other commercial printing applications requiring high quality print graphics.

Specifically excluded from the scope are imports of paper and paperboard printed with final content printed text or graphics.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 4810.14.11, 4810.14.1900, 4810.14.2010, 4810.14.2090, 4810.14.5000, 4810.14.6000, 4810.14.70, 4810.19.1100, 4810.19.1900, 4810.19.2010, 4810.19.2090, 4810.22.1000, 4810.22.50, 4810.22.6000, 4810.22.70, 4810.29.1000, 4810.29.5000, 4810.29.6000, 4810.29.70, 4810.32, 4810.39 and 4810.92. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12706 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Order,* 75 FR 70203 (November 17, 2010); *see also Certain Coated Paper Suitable for High-Quality Graphics Using Sheet-Fed Presses from Indonesia: Antidumping Duty Order,* 75 FR 70205 (November 17, 2010); *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 70201 (November 17, 2010); and *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia: Countervailing Duty Order,* 75 FR 70206 (November 17, 2010) (collectively, *Orders*).

[2] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China and Indonesia; Institution of Five-Year Reviews,* 86 FR 68272 (December 1, 2021).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 68220 (December 1, 2021).

[4] *See Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia and the People's Republic of China: Final Results of the Second Expedited Sunset Reviews of the Antidumping Duty Orders,* 87 FR 19664 (April 5, 2022); *see also Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China: Final Results of Expedited Second Sunset Review of the Countervailing Duty Order,* 87 FR 18354 (March 30, 2022); and *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia: Final Results of Expedited Second Sunset Review of the Countervailing Duty Order,* 87 FR 16715 (March 24, 2022).

[5] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China and Indonesia,* 87 FR 34719 (June 7, 2022); *see also* ITC's Letter, Investigation Nos. 701–TA–470–471 and 731–TA–1169–1170 (Second Review), dated June 2, 2022.

[6] ''Paperboard'' refers to Certain Coated Paper that is heavier, thicker and more rigid than coated paper which otherwise meets the product description. In the context of Certain Coated Paper, paperboard typically is referred to as ''cover,'' to distinguish it from ''text.''

[7] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off of a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–854]

Certain Steel Nails From Taiwan: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Partial Rescission of Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain steel nails from Taiwan were sold in the United States at less than normal value during the period of review (POR), July 1, 2020, through June 30, 2021. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2015, the Department of Commerce (Commerce) published the antidumping duty (AD) order on certain steel nails (nails) from Taiwan.[1] On July 1, 2021, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.[2] On July 30, 2021, Encore Green Co., Ltd. and Liang Kai Co. requested an administrative review.[3] On July 30, 2021, Commerce received a request for an administrative review of 128 producers and/or exporters of subject merchandise, filed on behalf of Mid Continent Steel & Wire, Inc. (the petitioner).[4] On August 2, 2021, Liang Chyuan Industrial Co., Ltd.[5] requested an administrative review of itself.[6] On September 7, 2021, we initiated an administrative review of certain steel nails from Taiwan covering all companies for which a review was requested in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i).[7]

On September 16, 2021, the petitioner filed a timely letter withdrawing its request for review of 61 of the 128 companies originally requested for review.[8] On September 16, 2021, Encore Green Co., Ltd. and Liang Kai Co. also withdrew their requests for review.[9] Further, while the petitioner withdrew its review request for Liang Chyuan Industrial Co., Ltd. and Integral Building Products, Inc., Liang Chyuan Industrial Co., Ltd. did not withdraw its request for review of itself.[10] Therefore, we are not rescinding the review of: (1) the single entity comprising Liang Chyuan Industrial Co., Ltd. and Integral Building Products Inc.; or (2) Liang Kai Co., because active review requests remain on the record for them. We are rescinding the review with respect to the 59 companies [11] for which all requests for review were timely withdrawn by interested parties.

On December 8, 2021, we selected King Chuang Wen Trading Co., Ltd. (King Chuang) and the single entity comprising Liang Chyuan Industrial Co., Ltd. and Integral Building Products Inc. (collectively, Liang Chyuan) as mandatory respondents in this administrative review.[12] King Chuang and Liang Chyuan did not respond to the AD questionnaire. On January 12, 2022, we selected Liang Kai Co., as an additional mandatory respondent.[13] Liang Kai Co. did not respond to the AD questionnaire.

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[14] The Preliminary Decision Memorandum is a public document and is on file electronically via the 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 on the internet at *https://access.trade.gov/public/FRNotices ListLayout.aspx*.

Scope of the Order

The merchandise covered by this *Order* is certain steel nails from Taiwan. The certain steel nails subject to the *Order* are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to this *Order* also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Because all requests for administrative review of the 59 companies listed in Appendix III were withdrawn by interested parties within 90 days of the date of publication of the *Initiation Notice,* and no other interested party requested a review of them, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1).

The administrative review remains active with respect to 69 companies (including the two companies

[1] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request* Administrative Review, 86 FR 35065 (July 1, 2021).

[3] *See* Harris Bricken's Letter, ''Administrative Review Request,'' dated July 30, 2021.

[4] *See* Petitioner's Letter, ''Request for Administrative Reviews,'' dated July 30, 2021.

[5] Commerce determined that Liang Chyuan Industrial Co., Ltd. and Integral Building Products Inc. comprise a single entity in *Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 48116 (September 12, 2019), unchanged in *Certain Steel Nails from Taiwan: Final Results of Antidumping Duty Administrative Review and Determination of No Shipments; 2017–2018,* 85 FR 14635 (March 13, 2020). Because there is nothing on the record calling into question our prior finding, we continue to treat these companies as part of a single entity for this administrative review.

[6] *See* Appleton Luff's Letter, ''Administrative Review Request,'' dated August 2, 2021. Commerce's practice dictates that, where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Therefore, this request for review was timely.

[7] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 50034 (September 7, 2021) (*Initiation Notice*).

[8] *See* Petitioner's Letter, ''Withdrawal of Review Request,'' dated September 16, 2021.

[9] *See* Harris Bricken's Letter, ''Withdrawal of Request for Administrative Review,'' dated September 16, 2021. However, while Liang Kai Co. withdrew its request for review, the petitioner did not withdraw its review request for this company.

[10] Despite the petitioner's withdrawal of the sole review request with respect to Integral Building Products Inc., we do not intend to rescind the review with respect to this company because it is part of a single entity with Liang Chyuan Industrial Co., Ltd., for which a review request remains.

[11] *See* Appendix III.

[12] *See* Memorandum, ''Respondent Selection,'' dated December 8, 2021.

[13] *See* Memorandum, ''Selection of Additional Mandatory Respondent,'' dated January 12, 2022.

[14] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Steel Nails from Taiwan; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

comprising the single Liang Chyuan entity, but listed separately in the *Initiation Notice*).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. For a full description of the methodology underlying the preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Commerce received no-shipment certifications from four companies: Astrotech Steels Private Limited, Geekay Wires Limited, Region Industries Co., Ltd., and Region System Sdn. Bhd. To confirm these companies' no-shipment claims, Commerce issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) and received no contradictory information.[15] Therefore, we preliminarily determine that these four companies did not have any shipments of subject merchandise during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to these companies, but, rather, will complete the review and issue instructions based on the final results.

Additionally, Wiresmith Industrial Co., Ltd. (Wiresmith) and Create Trading Co., Ltd. (Create Trading) are resellers of subject merchandise that reported that they had no reviewable sales or shipments during the POR because their respective unaffiliated producers had knowledge of the final U.S. destination of the subject merchandise that they produced and sold to the resellers. The resellers provided sales documentation, such as invoices and packing lists from their unaffiliated suppliers, as well as accounting records as evidence in support of their claims.[16] Commerce also issued supplemental questionnaires to both resellers requesting additional information regarding their respective statements of no sales or shipments.

Based on the information provided by both resellers, we preliminarily determine that Wiresmith and Create Trading were not the first parties in the transaction chain to have knowledge that the subject merchandise was destined for the United States, and, thus, Wiresmith and Create Trading are not considered the exporters of subject merchandise during the POR for purposes of this review. Specifically, the record demonstrates that Wiresmith's and Create Trading's respective unaffiliated suppliers had knowledge that the steel nails they produced and sold to the resellers were destined for the United States. Thus, we preliminarily determine that Wiresmith and Create Trading had no shipments of subject merchandise during the POR.

Commerce finds that, based on the clarification in the 2003 *Assessment of Antidumping Duties*[17] notice regarding the reseller policy, we will not rescind the review in these circumstances but, rather, complete the review with respect to the resellers and issue appropriate instructions to CBP after the completion of the review.[18] Specifically, we preliminarily find it appropriate in this case to instruct CBP at the completion of the review to liquidate any existing entries of subject merchandise produced and exported by the resellers' respective unaffiliated suppliers at the rate applicable to the unaffiliated producers, which, as discussed below, in this case is the all-others rate.[19]

Facts Available

Pursuant to section 776(a) of the Act, Commerce is preliminarily relying upon facts otherwise available to assign estimated dumping margins to King Chuang, Liang Chyuan, and Liang Kai Co. because all three respondents were unresponsive to our requests for information, thereby withholding necessary information that was requested by Commerce, and significantly impeding the conduct of the review. Further, Commerce preliminarily determines that King Chuan, Liang Chyuan, and Liang Kai Co. failed to cooperate by not acting to the best of their ability to comply with requests for information and, thus, Commerce is applying an adverse inference in selecting among the facts available, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of adverse facts available, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Companies

The statute and Commerce's regulations do not directly address the establishment of a 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. Commerce's practice in calculating a rate for non-examined companies in cases involving limited selection based on exporters or producers accounting for the largest volumes of trade has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle,*[20] we are relying on the ''expected method'' pursuant to section 735(c)(5)(B) of the Act and the SAA,[21] and, thus, are applying a review-specific rate based on the individual rates preliminarily applied to King Chuang, Liang Chyuan, and Liang Kai Co. in this administrative review (*i.e.,* 78.17 percent) to the companies not selected for individual examination. For a detailed discussion, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that, for the period July 1, 2020, through June 30, 2021, the following estimated dumping margins exist:

Exporter/producer	Dumping margin (percent)
King Chuang Wen Trading Co., Ltd.	78.17
Liang Chyuan Industrial Co., Ltd./Integral Building Products Inc.	78.17
Liang Kai Co.	78.17

[15] *See* Memorandum, ''No Shipment Inquiry,'' dated January 21, 2022, where CBP confirmed that ''CBP's Base Metals ran an ACE query . . . and found no entries by: Wiresmith, Astrotech Steels Private Limited Company; Geekay Wires Limited; Region System, or Region System Sdn. Bhd.; Region Industries, or Region Industries Co., Ltd. . . .''

[16] *See* Create Trading Letter, ''Statement of No Sales to the United States,'' dated October 7, 2021; *see also* Wiresmith Letter, ''Statement of No Sales to the United States,'' dated October 7, 2021 (Wiresmith SNS).

[17] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment of Antidumping Duties*).

[18] *Id.*

[19] *See, e.g., Certain Frozen Warmwater Shrimp from India: Partial Rescission of Antidumping Duty Administrative* Review, 73 FR 77610, 77612 (December 19, 2008) (*Shrimp from India*); *Certain Pasta from Turkey: Notice of Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 23974, 23977 (April 29, 2011), unchanged in *Pasta from Turkey: Notice of Final Results of the 14th Antidumping Duty Administrative Review,* 76 FR 68399 (November 4, 2011) (*Pasta from Turkey*).

[20] *See Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

[21] *See* Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, Vol. 1 (1994) (SAA) at 873 (when ''the dumping margins for all of the exporters and producers that are individually investigated are determined entirely on the basis of the facts available or are zero or de minimis . . . {t}he expected method in such cases will be to weight-average the zero and the de minimis margins and margins determined pursuant to the facts available.'').

Exporter/producer	Dumping margin (percent)
Review-Specific Average Rate Applicable to Companies Under Review Not Selected for Individual Examination	
See Appendix II for the 59 companies under review subject to the review-specific rate	78.17

Disclosure and Public Comment

Normally, Commerce discloses the calculations performed in connection with preliminary results to interested parties within five days after the date of publication of this notice. Because Commerce preliminarily applied a rate based on total AFA to each of the mandatory respondents in this review, in accordance with section 776 of the Act, there are no calculations to disclose.

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[22] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within seven days from the deadline date for the submission of case briefs.[23] Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[24] Case and rebuttal briefs should be filed electronically via ACCESS.

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 ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[25] Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[26]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, no later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.[27]

Verification

As provided in section 782(i)(3) of the Act, Commerce verified the information relied upon in making its preliminary results with respect to Create Trading. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to travel restrictions in response to the global COVID–19 pandemic, Commerce was unable to conduct on-site verification in this review. Accordingly, we chose to verify the information relied upon in making the preliminary results through alternative means in lieu of an on-site verification. Commerce issued a questionnaire in lieu of on-site verification to Create Trading.[28]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. For the companies for which we have rescinded this review, Commerce intends to instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP for the rescinded companies no earlier than 35 days after the date of publication of the preliminary results of this administrative review in the **Federal Register**.

If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate of 78.17 percent to all entries of subject merchandise during the POR which were produced and/or exported by King Chuang, Liang Chyuan, Liang Kai Co., and the companies which were not selected for individual examination.

With respect to the four companies that certified they had no shipments, if we continue to find that they had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of subject merchandise produced by the four companies, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.

With respect to the two resellers, Wiresmith and Create Trading, as discussed above, we preliminarily determine that the resellers were not the first parties in the transaction chain to have knowledge that the subject merchandise was destined for the United States, and thus the resellers are not considered the exporters of subject merchandise during the POR for purposes of this review. Consistent with the 2003 *Assessment of Antidumping Duties* notice and reseller policy, we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by the resellers' unaffiliated producers and exported by the resellers at the rate applicable to the producer(s).[29] Because none of the producer(s) have their own rates, we will instruct CBP to liquidate entries at the all-others rate from the investigation, as revised, of 2.16 percent,[30] in accordance with the reseller policy.

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 upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for King Chuang, Liang Chyuan, and Liang Kai Co and the companies listed in Appendix II will be

[22] *See* 19 CFR 351.309(c)(1)(ii).

[23] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020).

[24] *See* 19 CFR 351.309(c)(2) and (d)(2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[25] *See* 19 CFR 351.310(c).

[26] *Id.*

[27] *See* section 751(a)(3)(A) of the Act; *see also* 19 CFR 351.213(h).

[28] *See* Commerce's Letter, ''In Lieu of On-Site Verification Questionnaire,'' dated May 2, 2022.

[29] *See, e.g., Shrimp from India;* and *Pasta from Turkey.*

[30] The all-others rate from the underlying investigation was revised in *Certain Steel Nails from Taiwan: Notice of* Court Decision Not in Harmony with Final Determination in Less than Fair Value Investigation and Notice of Amended Final Determination, 82 FR 55090, 55091 (November 20, 2017).

equal to the dumping margin established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or in the 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 manufacturers or exporters will continue to be 2.16 percent, the all-others rate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and sections 19 CFR 351.213(h)(1) and 351.221(b)(4).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Recommendation

Appendix II—List of Companies Under Review Not Selected for Individual Examination

1. Acu-Transport Co., Ltd.
2. Allwin Architectural Hardware Inc.
3. Alsons Manufacturing India LLP
4. An Chen Fa Machinery Co., Ltd.
5. Bollore Logistics India Private Ltd.
6. Bon Voyage Logistics Inc.
7. Boss Precision Works Co., Ltd.
8. C.H. Robinson Freight Services Ltd.
9. C.H.Robinson World Wide India Pvt. Ltd.
10. Casia Global Logistics Co., Ltd.
11. Chief Ling Entreprise Co., Ltd
12. China Intl. Freight Co., Ltd.
13. China Sea Forwarders Co., Ltd.
14. Crane Worldwide Logistics LLC
15. De Well Container Shipping Inc.
16. DHL Global Forwarding Sg. Pte. Ltd.
17. Diversified Freight System Corporation
18. Eusu Logistics Co., Ltd.
19. Evergreen Logistics Corp.
20. Everise Global Logistics Co., Ltd.
21. Grandlink Logistics Co., Ltd.
22. Honour Lane Logistics Company Ltd.
23. Honour Lane Shipping Ltd.
24. Houseware Taiwan Industries Ltd.
25. Inmax Industries Sdn. Bhd.
26. K.E. & Kingstone Co., Ltd.
27. Kay Guay Entreprises Co., Ltd.
28. Kerry Indev Logistics Private Limited
29. King Compass Logistics Limited
30. King Freight International Corp.
31. Lien Bin Industries Co., Ltd.
32. New Marine Consolidator Co., Ltd.
33. NMC Logistics International Co., Ltd.
34. Oceanlink/Topair International Co.
35. OEC Freight Worldwide Co., Ltd.
36. Orient Containers Sdn., Bhd.
37. Orient Express Container Co., Ltd.
38. Orient Star International Logistics Co., Ltd.
39. Orient Star Transport International Ltd.
40. Oriental Vanguard Logistics Co., Ltd.
41. Pacific Concord International Ltd.
42. Pacific Star Express Corp.
43. Panda Logistics Co., Ltd.
44. Ray Fu Entreprise Co., Ltd.
45. SAR Transport Systems Pvt. Ltd.
46. Schenker (H.K.) Ltd.
47. Storeit Services LLP.
48. Success Progress International Tran
49. T.H.I. Logistics Co., Ltd.
50. T.V.L. Container Line Limited
51. The Ultimate Freight Management (Taiwan) Ltd.
52. Topocean Consolidation Service (Taiwan) Ltd.
53. Trans Luck Global Logistics Co., Ltd.
54. Trans Wagon International Co., Ltd.
55. Transwell Logistics Co., Ltd.
56. Transworld Transportation Co., Ltd.
57. UPS Supply Chain Solutions (Taiwan) Co., Ltd.
58. Valuemax Products Co., Ltd.
59. Worldwide Logistics Co., Ltd.

Appendix III—Companies Rescinded From Review

1. Aplus Pneumatic Corp.
2. Bonuts Hardware Logistics Co., Ltd.
3. Cheng CH International Co., Ltd.
4. Chia Pao Metal Co., Ltd.
5. China Staple Enterprise Corporation
6. Chite Enterprises Co., Ltd.
7. Crown Run Industrial Corp.
8. De Fasteners Inc.
9. Easylink Industrial Co., Ltd.
10. Encore Green Co., Ltd.
11. Faithful Engineering Products Co., Ltd.
12. General Merchandise Consolidators, Inc.
13. Hor Liang Industrial Corp.
14. Hoyi Plus Co., Ltd.
15. Interactive Corp.
16. Jade Shuttle Enerprise Co., Ltd.
17. Jau Yeou Industry Co., Ltd.
18. JC Grand Corporation
19. Jen Ju Enterprise Co., Ltd.
20. Jet Crown International Co., Ltd.
21. Jiajue Industrial Co., Ltd.
22. Jinsco International Corp.
23. Ko's Nail Inc.
24. Korea Wire Co., Ltd.
25. Linkwell Industry Co., Ltd.
26. Locksure Inc.
27. Lu Kang Hand Tools Industrial Co., Ltd.
28. Master United Corp.
29. Maytrans International Corp.
30. Ming Cheng Hardware Co., Ltd.
31. Nailermate Enterprise Corporation
32. Nailtech Co., Ltd.
33. Newrex Screw Corporation
34. Panther T&H Industry Co.
35. Patek Tool Co., Ltd.
36. Point Edge Corp.
37. President Industrial Inc.
38. Pro Team Coil Nail Enterprise Incor.[31]
39. PT Enterprise, Inc.[32]
40. Romp Coil Nail Industries Inc.
41. Shinn Chuen Corp.
42. Six2 Fastener Imports Inc.
43. Taiwan Shan Yin International Co., Ltd.
44. Taiwan Wakisangyo Co., Ltd.
45. Techart Mechanical Corporation
46. Test-Rite Int'l Co., Ltd.
47. Theps Co., Ltd.
48. Trans-Top Enterprise Co., Ltd.
49. Trim International Inc.
50. U-Can-Do Hardware Corp.
51. UJL Industries Co., Ltd.
52. Unicatch Industrial Co., Ltd.
53. Vim International Entreprise Co., Ltd.
54. Wattson Fastener Group Inc.
55. Wictory Co., Ltd.
56. Yehdyi Enterprise Co., Ltd.
57. Yu Chi Hardware Co., Ltd.
58. Zhishan Xing Entreprise Co., Ltd.
59. Zon Mon Co., Ltd.

[FR Doc. 2022–12711 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–813]

Citric Acid and Certain Citrate Salts From Belgium: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

[31] Commerce determined that Pro-Team and PT Enterprise comprise a single entity in *Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2015–2016,* 82 FR 36744 (August 7, 2017), unchanged in *Certain Steel Nails from Taiwan: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2015–2016,* 83 FR 6163 (February 13, 2018). However, Commerce inadvertently listed them separately in the *Initiation Notice,* rather than as a combined single entity on a single line.

[32] As noted above, PT Enterprise Inc. and Pro Team Coil Nail Enterprise Incor. comprise a single entity. Commerce inadvertently listed them separately in the *Initiation Notice,* rather than as a combined single entity on a single line.

SUMMARY: The U.S. Department of Commerce (Commerce) is initiating a changed circumstances review of the antidumping duty (AD) order on citric acid and certain citrate salts (citric acid) from Belgium. Further, Commerce preliminarily determines that Citribel nv (Citribel) is the successor-in-interest to S.A. Citrique Belge N.V. (Citrique Belge) and should be assigned the same AD cash deposit rate for purposes of the AD order. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen, 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) 482–4521.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2018, Commerce published the AD order on citric acid from Belgium in the **Federal Register**.[1] On April 27, 2022, Commerce received a request on behalf of Citribel for an expedited changed circumstances review, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b), to establish Citribel as the successor-in-interest to Citrique Belge, a Belgian producer and exporter of citric acid, and thus, entitled to the AD cash deposit rate of Citrique Belge.[2] We did not receive comments from other interested parties concerning this request.

Scope of the Order

The merchandise covered by this *Order* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9295 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9295 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, Commerce will conduct a changed circumstances review upon receipt of information concerning, or a request from, an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. In the past, Commerce has used changed circumstances reviews to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff ('successor-in-interest' or 'successorship' determinations).[3] On March 14, 2022, Citrique Belge changed its name to Citribel and claims that the change was in name only and that its operations remain materially unchanged. Based on a review of the request from Citribel, and in accordance with section 751(b) of the Act and 19 CFR 351.216(d), we find that the information submitted in the CCR Request supporting Citribel's claim that it should be treated as the successor-in-interest to Citrique Belge is sufficient to warrant such a review to determine whether Citribel is entitled to Citrique Belge's AD cash deposit rate.

Preliminary Results

Section 351.221(c)(3)(ii) of Commerce's regulations permits Commerce to combine the notice of initiation of a changed circumstances review and the notice of preliminary results if Commerce concludes that expedited action is warranted. In this instance, because the record contains information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

Accordingly, pursuant to section 751(b) of the Act, we have conducted a successor-in-interest analysis in response to Citribel's request. In making a successor-in-interest determination, Commerce examines several factors, including, but not limited to, changes in the following: (1) management and ownership; (2) production facilities; (3) supplier relationships; and (4) customer base.[4] While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.[5] Thus, if the evidence demonstrates that, with respect to the production and sales of the subject merchandise, the new company operates as essentially the same business entity as the former company, Commerce will accord the

[1] *See Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders,* 83 FR 35214 (July 25, 2018) (*Order*).

[2] *See* Citribel's Letter, ''Citric Acid and Certain Citrate Salts from Belgium—Request for Changed Circumstances Review,'' dated April 27, 2022 (CCR Request).

[3] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 82 FR 51605, 51606 (November 7, 2017) (*Diamond Sawblades Preliminary*), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 82 FR 60177 (December 19, 2017) (*Diamond Sawblades Final*).

[4] *See, e.g., Diamond Sawblades Final; see also Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 37784 (August 2, 2018), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 83 FR 49909 (October 3, 2018).

[5] *See, e.g., Diamond Sawblades Final; see also Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 37784 (August 2, 2018), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 83 FR 49909 (October 3, 2018).

new company the same antidumping treatment as its predecessor.[6]

We preliminarily determine that Citribel is the successor-in-interest to Citrique Belge for purposes of the *Order.* Specifically, Citribel provided documentation demonstrating approval of Citrique Belge's name change by Citrique Belge's shareholders (which remained unchanged from prior to the name change).[7] Citrique Belge's shareholders approved of the name change in March 2022, the name change was effectuated by the new articles of association dated March 14, 2022,[8] and it was announced on March 16, 2022.[9] Citribel asserts that the name change was made with the purpose of ''promot{ing} the company's commercial growth.'' [10] As support, Citribel provided the search results from the Belgian Federal Public Service enquiry that demonstrate that Citribel's enterprise number and address remain the same as found on Citrique Belge's most recent financial statements.[11] Citribel also provided updated articles of association that reflect the name change, which reflects that the purpose of the company remains unchanged from the prior articles.[12] The lack of changes to the articles supports the claim that Citribel's operations with respect to the sales of subject merchandise have not materially changed as a result of its name change.

In addition, the record includes a list of board of directors, an organizational chart and an ownership structure that all remain the same before and after the name change, supporting Citribel's assertion that there were no ownership, director, or management changes related to the name change.[13] Further, Citribel notes that there was no change to its production facility as a result of the name change, as Citribel operates the sole production facility that was operated by Citrique Belge.[14] Moreover, Citribel provided lists of both its suppliers and U.S. customers, for the year before and the month following the name change to support its assertion that there have been no material changes to Citrique Belge's suppliers or its customer base following the name change. This documentation shows that the top suppliers and customers are substantially similar both pre- and post-name change.

Therefore, based on the aforementioned evidence on the record, we preliminarily determine that Citribel is the successor-in-interest to Citrique Belge, as the change in the business' name was not accompanied by significant changes to its management and ownership, production, facilities, supplier relationships, or customer base. Thus, we preliminarily determine that Citribel operates as essentially the same business entity as Citrique Belge, that Citribel is the successor-in-interest to Citrique Belge, and that Citribel should receive the same AD cash deposit rate with respect to subject merchandise as its predecessor, Citrique Belge.

Should our final results remain unchanged from these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Citribel the AD cash deposit rate applicable to Citrique Belge. Commerce will issue its final results of the review in accordance with the time limits set forth in 19 CFR 351.216(e).

Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 14 days of publication of this notice.[15] In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[16] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the case briefs, in accordance with 19 CFR 351.309(d).[17] Parties who submit case or rebuttal briefs 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.[18] All comments are to be filed electronically using ACCESS, available to registered users at *https://access.trade.gov,* and must also be served on interested parties. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due.[19] Note that Commerce has temporarily modified certain requirements for serving documents containing business proprietary information, until further notice.[20]

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12709 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC099]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a three-day hybrid meeting with both in-person and remote participation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). The Council continues to follow all public safety measures related to *COVID–19* and intends to do so for this meeting.

DATES: The meeting will be held on Tuesday, June 28, 2022 through Thursday, June 30, 2022, beginning at 9 a.m. on all three days.

ADDRESSES: The meeting will be held at the Holiday Inn By the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311; online at *https://www.innbythebay.com.* Join the webinar at *https://register.gotowebinar.com/register/6422760213108296463.*

Council address: New England Fishery Management Council, 50 Water

---

[6] *See, e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 73619 (December 11, 2012).

[7] *See* CCR Request at Exhibits 1 and 6.

[8] *Id.* at Exhibit 1 and 2a.

[9] *Id.* at Exhibit 3.

[10] *Id.* at 3.

[11] *Id.* at Exhibits 11 and 12.

[12] *Id.* at Exhibits 2a and 2b at Article 3.

[13] *Id.* at Exhibits 4–6.

[14] *Id.* at 4–5 and Exhibit 13 at 2.

[15] Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[16] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[17] Commerce is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for the filing of rebuttal briefs.

[18] *See* 19 CFR 351.309(c)(2).

[19] *See* 19 CFR 351.303(b).

[20] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, June 28, 2022

After brief announcements, the Council will receive reports on recent activities from its Chair and Executive Director, the Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, the Northeast Fisheries Science Center (NEFSC) Director, the NOAA Office of General Counsel, the Mid-Atlantic Fishery Management Council liaison, staff from the Atlantic States Marine Fisheries Commission (ASMFC), and representatives from the U.S. Coast Guard, NOAA's Office of Law Enforcement, the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the NMFS Highly Migratory Species Advisory Panel, and the Northeast Trawl Advisory Panel (NTAP). Next, the Council will receive a progress report from the Council Coordination Committee (CCC) Subcommittee on Area-Based Management. This subcommittee is working to assist the CCC in responding to the 30x30 initiative in the draft White House report titled ''Conserving and Restoring America the Beautiful.'' A discussion about the Northeast Climate Regional Access Plan will be up next. The Council will: (1) receive an overview of the plan from the Northeast Fisheries Science Center; (2) receive feedback on the plan from its Scientific and Statistical Committee (SSC); and (3) review and approve a Council comment letter. An update on East Coast Climate Change Scenario Planning will follow. The Council will receive an overview of the June 21–23, 2022 Scenario Creation Workshop and hear about next steps for this initiative. The Council also will hear the CCC's response to a NOAA Fisheries initiative on Council Governance Guidance related to climate change planning.

After the lunch break, the Council will receive the Atlantic Herring Committee report. The report contains three items: (1) an update on Framework Adjustment 7, which is an action to protect adult spawning herring on Georges Bank; (2) an initial update on 2023–2025 herring specifications; and (3) a discussion of potentially approving a change in herring priorities to initiate an action to address industry-funded monitoring (IFM) in the Atlantic herring fishery. Next, the Council will take up the Ecosystem-Based Fishery Management (EBFM) Committee report. This will include: (1) a preliminary summary of initial outreach to stakeholders, as well as an update on planning for EBFM informational outreach workshops; and (2) an update on the Council's solicitation for a contractor to develop and conduct a prototype management strategy evaluation (MSE) for EBFM and the Georges Bank example Fishery Ecosystem Plan (eFEP). As the last order of business for the day, the Council will review the list of 2022–2026 Council Research Priorities, receive SSC feedback on these priorities, and approve updates as needed. The Council then will adjourn.

Wednesday, June 29, 2022

The Council will begin the second day of its meeting with a presentation on the NOAA Fisheries Draft Equity and Environmental Justice (EEJ) Strategy to reduce barriers to underserved communities and incorporate EEJ into daily activities. The Council will provide comments and potentially sign off on a letter addressing the draft strategy. Next, the Council will receive an educational overview from the Northeast Fisheries Science Center on the 2023 research track assessment being conducted to explore the application and use of state-space models across many stocks in the Greater Atlantic Region. The Council will have the opportunity to ask questions about this research track assessment. Then, the Council will receive a progress report from the Monkfish Committee on Framework Adjustment 13 to the Monkfish Fishery Management Plan (FMP). This framework contains 2023–25 fishery specifications and other measures. Following monkfish, the Northeast Fisheries Science Center will present peer reviewed results for the Eastern Georges Bank and Georges Bank Haddock Research Track Assessment.

After the lunch break, the Council will take up the Groundfish Committee report, which consists of three items. First, the Council will receive a progress report on Framework Adjustment 65 to the Groundfish FMP. The framework includes: (1) 2023–24 total allowable catches (TACs) for U.S./Canada shared resources on Georges Bank; (2) 2023–24 specifications for Georges Bank cod and Georges Bank yellowtail flounder; (3) 2023–25 specifications for 14 additional groundfish stocks; (4) revised rebuilding plans for Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder; (5) additional measures to promote stock rebuilding; and (6) acceptable biological catch (ABC) control rule revisions. Second, the Council will receive a progress report on work being conducted to develop metrics for a review of the Amendment 23 groundfish monitoring system. Finally, the Council will receive an update on the 2023 Atlantic Cod Research Track Assessment. Then, representatives of the region's groundfish sectors will provide a presentation on sector operations, which will include an overview of core responsibilities, functions, goals, challenges, and benefits to groundfish sector management. Sector representatives also will discuss potential opportunities to enhance sector interactions with the Council. The Council then will adjourn for the day.

Thursday, June 30, 2022

The Council will lead off the third day of its meeting with a presentation from the Greater Atlantic Regional Fisheries Office (GARFO) on a draft action plan to reduce Atlantic sturgeon bycatch in federal large-mesh gillnet fisheries by 2024. The Council will provide comments on the draft plan. The Council then will go into the Habitat Committee report, where it will discuss and take final action on a framework to designate a new Habitat Area of Particular Concern (HAPC) in Southern New England. The Council also will receive a report on the Northeast Regional Habitat Assessment that will cover products, outreach, and next steps, as well as SSC feedback on the assessment. Then, the Council will receive updates on regional aquaculture, offshore energy, and cable issues, including an overview of the May 19, 2022 Gulf of Maine Intergovernmental Renewable Energy Task Force Meeting and wind energy leasing issues in the federal waters of the Gulf of Maine.

Following the lunch break, the Council will receive a presentation from GARFO on the May 2022 Atlantic Large Whale Take Reduction Team (TRT) meeting and an update on Phase 2 amendments to the Atlantic Large Whale Take Reduction Plan. Phase 2 is covering U.S. East Coast gillnet fisheries, as well as Atlantic mixed species trap/pot fisheries and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. Next, the Northeast Fisheries Science Center will present a progress report on the NOAA Fisheries Roadmap to Ropeless Fishing to help reduce the risk of right whale entanglements with

fishing gear. After that, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. These comments will be received both in person and through the webinar. A guide for how to publicly comment through the webinar is available on the Council website at *https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation_generic.pdf.* The Scallop Committee report, which contains five items, will come next. The Council will: (1) approve 2023–24 Scallop Research Set-Aside (RSA) Program priorities; (2) initiate an action to develop 2023 fishery specifications, 2024 default specifications, and other measures; (3) receive an update from the Scallop Survey Working Group; (4) receive an update on the scoping process for limited access leasing; and (5) be provided with information about scallop issues in the Nantucket Lightship South Access Area. Following the scallop report, the Council will close out the meeting with other business.

Although non-emergency issues not contained on this agenda may come before the Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed 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 Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: June 8, 2022.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2022–12661 Filed 6–10–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2022–HQ–0014]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 12, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Army Headquarters Services, 9301 Chapek Road, Ft. Belvoir, VA 22060–5605, ATTN: Mr. Douglas Fravel, or call 571–515–0220.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: ArmyFit Family Global Assessment Tool; OMB Control Number 0702–0147.

Needs and Uses: This collection supports the mission of the Army Resiliency Directorate (ARD), HQDA G–1, to improve the readiness of the force and quality of life for service members. ARD owns the Army Fitness Platform (ArmyFit). ArmyFit hosts the Global Assessment Tool, which is an assessment promoting self-development through its user feedback and enables the creation of a customized ArmyFit profile which directs individuals to tailored self-development and training resources for soldiers, their families, and Army civilians. ArmyFit is a self-appraisal survey for assessing an individual's fitness in dimensions of strength: Physical, emotional, social, spiritual, and family. It is a tool for building resilience. The survey is taken by all soldiers and offered to family members, Army Civilians, and contractors.

Affected Public: Individuals or households.

Annual Burden Hours: 425.

Number of Respondents: 1,700.

Responses per Respondent: 1.

Annual Responses: 1,700.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: June 7, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12645 Filed 6–10–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–HA–0072]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (OUSD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are

invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 12, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency Headquarters, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, Ms. Christina Demaria, or call (703) 681–7500.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Centralized Credentials and Quality Assurance System; 0720–AAGX.

Needs and Uses: The information collected in the Centralized Credentials Quality Assurance System (CCQAS) is necessary so that Military Health System health care providers can gain access to CCQAS. CCQAS enables the military medical community to electronically manage the credentials, privileges, and adverse actions of medical personnel and is hosted at secure Defense Information Systems Agency facilities. It is deployed worldwide for use by over 1,350 professional medical staff coordinators and contains nearly 120,000 active credential records for Active Duty, Reserve, Guard, Civil Service, contractor, and volunteer healthcare providers in the Military Health System.

Affected Public: Individuals or households.

Annual Burden Hours: 750,000.

Number of Respondents: 62,500.

Responses per Respondent: 3.

Annual Responses: 187,500.

Average Burden per Response: 4 hours.

Frequency: On occasion.

Dated: June 7, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12650 Filed 6–10–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees—Board of Actuaries

AGENCY: Department of Defense (DoD).

ACTION: Charter renewal of federal advisory committee.

SUMMARY: DoD is publishing this notice to announce that it is renewing the charter for the Department of Defense Board of Actuaries (DoD BoA).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The DoD BoA's charter is being renewed in accordance with 10 U.S.C. 183, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and 41 CFR 102–3.50(a). The charter and contact information for the DoD BoA's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.*

The DoD BoA provides independent advice and recommendations on matters relating to the DoD Military Retirement Fund, the DoD Education Fund, the DoD Voluntary Separation Incentive Fund, and such other funds as the Secretary of Defense shall specify.

Pursuant to 10 U.S.C. 183(b), the DoD BoA shall consist of three members from among qualified professional actuaries who are members of the Society of Actuaries. All members of the DoD BoA are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. A member of the DoD BoA who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the DoD BoA. All members are entitled to reimbursement for official DoD BoA-related travel and per diem.

The public or interested organizations may submit written statements to the DoD BoA membership about the DoD BoA's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the DoD BoA. All written statements shall be submitted to the DFO for the DoD BoA, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: June 7, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12639 Filed 6–10–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0071]

Proposed Collection; Comment Request

AGENCY: The Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Acquisition and Sustainment announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 12, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense for Sustainment, 3500 Defense Pentagon, Washington, DC 20301–3500, ATTN: Ms. Alexandria Long, or call 703–571–9061.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Technical Assistance for Public Participation Application; DD Form 2749; OMB Control Number 0704–0392.

Needs and Uses: The information collection requirement is necessary to identify products or services requested by community members of restoration advisory boards or technical review committees to aid in their participation in the DoD's environmental restoration program, and to meet Congressional reporting requirements.

Affected Public: Individuals or households.

Annual Burden Hours: 200.

Number of Respondents: 25.

Responses per Respondent: 2.

Annual Responses: 50.

Average Burden per Response: 4 hours.

Frequency: As required.

Dated: June 7, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12642 Filed 6–10–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2022–HQ–0018]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* Navy and Marine Corps Public Health Center announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 12, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Navy and Marine Corps Public Health Center, 620 John Paul Jones Circle, Suite 1100, Portsmouth, VA 23708, ATTN: Ms. Jennifer Zingalie, or call 757–953–0664.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Navy and Marine Corps Public Health Center Environmental Concerns Surveys; OMB Control Number 0703–EGEN.

Needs and Uses: The information collection is necessary to ascertain community concerns related to Navy environmental clean-up actions at various installations around the country. The Navy needs a way to collect opinions on community needs and how or when citizens would like to be involved in the Comprehensive Environmental Response, Compensation, and Liability Act process. The Navy typically provides a survey several months before the development of a site-specific Community Involvement Plan (CIP). The survey includes multiple choice questions on areas of concern, and a section for open comment. The survey is typically conducted for one to three months. Survey respondents include local officials, residents, public interest groups, and other interested or affected parties within a specific mile-range of the given Environmental Restoration Program (ERP) site. Information collection from community members provides input for the required CIP. The survey is also used to solicit new Restoration Advisory Board members, and informs the Navy on community awareness and understanding of the ERP process.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit Institutions; State, Local, or Tribal Government.

Annual Burden Hours: 40.

Number of Respondents: 120.

Responses per Respondent: 1.

Annual Responses: 120.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Dated: June 7, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12641 Filed 6–10–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2022–SCC–0082]

Agency Information Collection Activities; Comment Request; FAFSA Form Demographic Survey

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before August 12, 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–0082. 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 PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebelding, (202) 377–4018.

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: FAFSA Form Demographic Survey.

OMB Control Number: 1845–NEW.

Type of Review: New collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 19,727,003.

Total Estimated Number of Annual Burden Hours: 650,991.

Abstract: The U.S. Department of Education (the Department) is requesting a new information collection to gather demographic information in conjunction with the Free Application for Federal Student Aid (FAFSA) form. The FAFSA Simplification Act (FSAct) passed as part of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260) amends the Higher Education Act of 1965, Title IV, Sec 483 (B)(ii)(VII) to add sex and race or ethnicity as information required to be provided by the applicant on the Free Application for Federal Student Aid (FAFSA) form. For the launch of the 2023–24 FAFSA on October 1, 2022, FSA will ask the demographic questions in a pilot, voluntary survey format in order to collect specific feedback on the new questions. This feedback will inform the development of the questions for full implementation within the FAFSA form for the 2024–2025 award year.

Dated: June 8, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–12674 Filed 6–10–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Promoting Postbaccalaureate Opportunities for Hispanic Americans Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2022 for the Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA) Program, Assistance Listing Number (ALN) 84.031M. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES: *Applications Available:* June 13, 2022.

Deadline for Transmittal of Applications: July 28, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Margarita L. Meléndez, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B188, Washington, DC 20202–4260. Telephone: (202) 260–3548. Email: *Margarita.Melendez@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of the PPOHA Program are to: (1) Expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and (2) expand the

postbaccalaureate academic offerings, as well as enhance the program quality, at the institutions of higher education (IHEs) that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

Background: In 2019, the number of Hispanic students enrolled in postbaccalaureate degree programs was approximately 12 percent of the graduate student population, even though Hispanic individuals make up over 18 percent of the American population.[1] In addition, despite Hispanic graduate student enrollment increasing at a faster rate than other groups, this enrollment increase has not yet closed the significant gap in attainment of graduate credentials between Hispanic and non-Hispanic White adults.[2] For people with higher educational attainment, the unemployment rates are generally lower and the wages are higher.[3] Therefore, there is potential for greater financial returns, job security, and employment options for Hispanic students who enroll and attain credentials beyond a bachelor's degree.

Further, despite the important role that faculty of color play for minority graduate students,[4] data from fall 2018 showed that 45 percent of all full-time faculty in degree-granting postsecondary institutions were White, while only 6 percent were Hispanic.[5]

To address these gaps in degree attainment, research has shown that certain initiatives are particularly successful in helping Hispanic students complete their degrees and enter the workforce well prepared. Examples of such initiatives include culturally responsive programming, financial assistance, and academic advising.[6] Strategies that have successfully supported Hispanic students in career placement have included partnerships with industry, hybrid instructional models, skills training, and fellowships and apprenticeships in the workforce setting.[7]

To this end, this competition includes an absolute priority focused on academic and career alignment with in-demand occupations or fields. In responding to this absolute priority, applicants should demonstrate how they will expand academic offerings that prepare graduate students for the workforce by developing or enhancing current course offerings in existing postgraduate degree, certificate, or credentialing programs or by establishing new postgraduate degree, certificate, or credentialing programs. Additionally, we encourage applicants to form partnerships with other Hispanic-Serving Institutions (HSIs) and non-HSI IHEs, as well as workforce entities, that may assist the applicant IHE in leveraging resources and opportunities for apprenticeships, internships, workplace learning, or similar experiences for students.

This competition also includes two competitive preference priorities focused on meeting participants' holistic needs and providing flexible learning opportunities, and an invitational priority targeting an increase in Hispanic and other diverse candidates in the education profession.

Priorities: This notice contains one absolute priority, two competitive preference priorities, and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priority is from allowable activities specified in the statute (see section 503(b)(14) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1101b). The competitive preference priorities are from the Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

Absolute Priority: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

The priority is:

Expanding the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.

Competitive Preference Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application, depending on how well the application meets each of these priorities. Applicants may respond to one or both priorities, for a total of up to 15 additional points.

These priorities are:

Competitive Preference Priority 1: Meeting Student Social, Emotional, and Academic Needs (up to 10 points).

Projects that are designed to improve students' social, emotional, academic, and career development, with a focus on underserved students, in one or more of the following areas:

(a) Creating education or work-based settings that are supportive, positive, identity-safe and inclusive with regard to race, ethnicity, culture, language, and disability status, through supporting students to engage in real-world hands-on learning that is aligned with classroom instruction and takes place in community-based settings, such as apprenticeships, pre-apprenticeships, work-based learning, and service learning, and in civic activities, that allow students to apply their knowledge and skills, strengthen their employability skills, and access career exploration opportunities. (up to 4 points)

(b) Creating a positive, inclusive, and identity-safe climate at IHEs through one or both of the following activities:

(1) Implementing evidence-based practices for advancing student success for underserved students. (up to 3 points)

(2) Providing evidence-based professional development opportunities designed to build asset-based mindsets for faculty and staff on campus and that

[1] U.S. Census Bureau. Retrieved May 3, 2022, from *https://www.census.gov/quickfacts/fact/table/US/PST045221.*

[2] U.S. Census Bureau. Retrieved May 18, 2022, from *https://www.census.gov/data/tables/2020/demo/educational-attainment/cps-detailed-tables.html.*

[3] U.S. Department of Labor, Bureau of Labor Statistics, Employment Projections, *https://www.bls.gov/emp/ep_chart_001.htm;* Ma, J., Pender, M., & Welch, M., ''Education Pays 2016,'' *Trends in Higher Education Series* (Washington, DC: College Board, 2016), *https://trends.collegeboard.org/sites/default/files/education-pays-2016-full-report.pdf.*

[4] Griffin, K.A. (2022). ''Redoubling Our Efforts: How Institutions Can Affect Faculty Diversity.'' American Council on Education: *Invited Essay from Race and Ethnicity in Higher Education: A Status Report.* Retrieved from *https://www.equityinhighered.org/resources/ideas-and-insights/redoubling-our-efforts-how-institutions-can-affect-faculty-diversity/.*

[5] U.S. Department of Education, National Center for Education Statistics. (2020). *The Condition of Education 2020* (NCES 2020–144), Characteristics of Postsecondary Faculty.

[6] Excelencia in Education (2020). What Works for Latino Students in Higher Education. Retrieved from *https://www.edexcelencia.org/research/2020-What-Works-for-Latino-Students-In-Higher-Education; Garateix, M. (2021). ''Latino students succeed in graduate school with the support of the Hispanic Theological Initiative.'' Retrieved from https://faithandleadership.com/latino-students-succeed-graduate-school-the-support-the-hispanic-theological-initiative.*

[7] Santiago, D. A., Taylor, M., & Galdeano, E. C. (2015). ''Finding your workforce: Latinos in science, technology, engineering, and math (STEM). Linking college completion with U.S. workforce needs—2012–13.'' Excelencia in Education. Retrieved from *https://files.eric.ed.gov/fulltext/ED588046.pdf;* Garcia, A., Abrego, J., & Calvillo, M. (2014). ''A study of the hybrid instructional delivery for graduate students in an educational leadership course.'' *International Journal of E-Learning & Distance Education,* 29(1), 1–12. Retrieved from *https://www.ijede.ca/index.php/jde/article/view/864/1534.*

are inclusive with regard to race, ethnicity, culture, language, and disability status. (up to 3 points)

Competitive Preference Priority 2: Increasing Postsecondary Education Access, Affordability, Completion, and Post-Enrollment Success (up to 5 points).

Projects that are designed to increase postsecondary access, affordability, completion, and success for underserved students by supporting the development and implementation of high-quality and accessible learning opportunities, including learning opportunities that are accelerated or hybrid online; credit-bearing; work-based; and flexible for working students.

Invitational Priority: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Projects that are designed to establish or expand entry points into the educator pipeline, in an effort to increase the number of Hispanic educators and/or the number of Hispanic students earning postgraduate degrees in preparation for employment as an educator.

This priority is designed to address the issue of the low percentage of Hispanic faculty referenced in the background section of this notice. Under this priority, we are particularly interested in projects that are designed to establish, improve, or expand programs that: (a) recruit racially, ethnically, and linguistically diverse educators; (b) retain diverse educators by strengthening support networks and providing professional development; and/or (c) combine traditional academic training with specialized knowledge and skills that will prepare students for entry into the educator profession.

Definitions: The following definitions are from 34 CFR 77.1 and the Supplemental Priorities and apply to the priorities and selection criteria in this notice:

Baseline means the starting point from which performance is measured and targets are set.

Budget period means an interval of time into which a project period is divided for budgetary purposes.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Department means the U.S. Department of Education.

Educator means an individual who is an early learning educator, teacher, principal or other school leader, specialized instructional support personnel (*e.g.,* school psychologist, counselor, school social worker, early intervention service personnel), paraprofessional, or faculty.

Evidence-based means the proposed project component is supported by promising evidence or evidence that demonstrates a rationale.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Fiscal year means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30.

Grant period means the period for which funds have been awarded.

Grantee means the legal entity to which a grant is awarded and that is accountable to the Federal Government for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award notice (GAN). For example, a GAN may name as the grantee one school or campus of a university. In this case, the granting agency usually intends, or actually intends, that the named component assume primary or sole responsibility for administering the grant-assisted project or program. Nevertheless, the naming of a component of a legal entity as the grantee in a grant award document shall not be construed as relieving the whole legal entity from accountability to the Federal Government for the use of the funds provided. (This definition is not intended to affect the eligibility provision of grant programs in which eligibility is limited to organizations that may be only components of a legal entity.) The term ''grantee'' does not include any secondary recipients, such as subgrantees and contractors, that may receive funds from a grantee pursuant to a subgrant or contract.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's Education Logic Model Application at *https://ies.ed.gov/ncee/rel/products/resource/100677.*

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by What Works Clearinghouse (WWC) reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (*e.g.,* a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbooks.

Relevant outcome means the student outcome(s) or other outcomes(s) the key project component is designed to improve, consistent with the specific goals of the program.

Subgrant means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual or any other form of legal agreement, but does not include procurement purchases, nor does it include any form of assistance that is excluded from the definition of ''grant or award'' in this part (See 2 CFR 200.92, ''Subaward'').

Underserved student means a student in postsecondary education in one or both of the following subgroups:

(a) A student who is living in poverty.

(b) A student of color.[8]

What Works Clearinghouse Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Program Authority: 20 U.S.C. 1102–1102c.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 606. (e) The Supplemental Priorities. (f) Notice of final requirements, published in the **Federal Register** on July 27, 2010 (75 FR 44055) (NFR).

II. Award Information

Type of Award: Discretionary grants. Five-year Individual Development Grants will be awarded in FY 2022.

Estimated Available Funds: $5,900,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent fiscal years from the list of unfunded applications from this competition.

Estimated Range of Awards: $500,000–$600,000.

Estimated Average Size of Awards: $550,000.

Maximum Awards: We will not make an award exceeding $600,000 for a single budget period of 12 months.

Estimated Number of Awards: 10–12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information and Supplemental Requirements

1. *Eligible Applicants:* IHEs that (a) offer a postbaccalaureate certificate or postbaccalaureate degree program and (b) qualify as an eligible HSI are eligible to apply for new Individual Development Grants under the PPOHA Program. See section 512(b) of the HEA.

An eligible IHE for purposes of the PPOHA Program, under sections 502 and 512(b) of the HEA (20 U.S.C. 1101a and 1102a), must—

(a) Have an enrollment of needy students, as defined in section 502(b) of the HEA (section 502(a)(2)(A)(i) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(i));

(b) Have, except as provided in section 522(b) of the HEA, average educational and general expenditures that are low, per full-time equivalent (FTE) undergraduate student, in comparison with the average educational and general expenditures per FTE undergraduate student of institutions that offer similar instruction (section 502(a)(2)(A)(ii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(ii));

Note 1: To demonstrate an enrollment of needy students and low average educational and general expenditures per FTE undergraduate student, an IHE must be designated as an ''eligible institution'' in accordance with 34 CFR 606.3 through 606.5 and the notice inviting applications for designation as an eligible institution for the fiscal year for which the grant competition is being conducted.

Note 2: The notice announcing the FY 2022 process for designation of eligible institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on December 16, 2021 (86 FR 71470). Only institutions that the Department determines are eligible, or are granted a waiver, may apply for a grant in this program.

(c) Be accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered, or making reasonable progress toward accreditation, according to such an agency or association (section 502(a)(2)(A)(iv) of the HEA; 20 U.S.C.1101a(a)(2)(A)(iv));

(d) Be legally authorized to provide, and provide within the State, an educational program for which the institution awards a bachelor's degree (section 502(a)(2)(A)(iii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iii)); and

(e) Have an enrollment of undergraduate FTE students that is at least 25 percent Hispanic students at the

[8] The PPOHA Program serves Hispanic and low-income students. For the purposes of this program, the subgroup of ''underserved students'' described in paragraph (b) of this definition refers to those students who are Hispanic as defined in title V of the HEA.

end of the award year immediately preceding the date of application (section 502(a)(5)(B) of the HEA; 20 U.S.C. 1101a(a)(5)(B)).

Note 3: Funds for the PPOHA Program will be awarded each fiscal year; thus, for this program, the ''end of the award year immediately preceding the date of application'' refers to the end of the fiscal year prior to the application due date. The end of the fiscal year occurs on September 30 for any given year.

Note 4: In considering applications for grants under this program, the Department will compare the data and documentation the institution relied on in its application with data reported to the Department's Integrated Postsecondary Education Data System (IPEDS), the IHE's State-reported enrollment data, and the institutional annual report. If different percentages or data are reported in these various sources, the institution must, as part of the 25 percent assurance verification, explain the reason for the differences. If the IPEDS data show that less than 25 percent of the institution's undergraduate FTE students are Hispanic, the burden is on the institution to show that the IPEDS data are inaccurate. If the IPEDS data indicate that the institution has an undergraduate FTE less than 25 percent, and the institution fails to demonstrate that the IPEDS data are inaccurate, the institution will be considered ineligible.

(f) A grantee under the PPOHA Program, which is authorized by title V of the HEA, may not receive a grant under any HEA, title III, part A or part B program (section 505 of the HEA; 20 U.S.C. 1101d). The title III, part A programs include: the Strengthening Institutions Program; the American Indian Tribally Controlled Colleges and Universities Program; the Alaska Native and Native Hawaiian-Serving Institutions Programs; the Asian American and Native American Pacific Islander-Serving Institutions Program; the Predominantly Black Institutions Program; and the Native American-Serving Non-Tribal Institutions Program. Title III, part B includes the Strengthening Historically Black Colleges and Universities Program. Furthermore, a current PPOHA Program grantee may not give up its HSI grant in order to receive a grant under any title III, part A program (34 CFR 606.2(c)(1)).

(g) An eligible HSI may only submit one Individual Development Grant application.

(h) Limit on Use of Funds for Direct Student Assistance. A PPOHA Program grantee may use no more than 20 percent of its total PPOHA Program grant award to provide financial support—in the form of scholarships, fellowships, and other student financial assistance—to low-income students (see NFR).

(i) Nothing in this notice alters a grantee's obligations to comply with Federal civil rights laws.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match or exceed those grant funds with non-Federal funds (section 503(c)(2) of the HEA; 20 U.S.C. 1101b(c)(2)).

b. *Supplement-Not-Supplant:* This competition involves supplement-not-supplant funding requirements.

c. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

d. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: local educational agencies; State educational agencies; IHEs; nonprofit organizations. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

4. *Other.* This program is subject to the Build America, Buy America Act (Pub. L. 117–58). This means that, under this program, grantees and their subrecipients and contractors may not use their grant funds for infrastructure projects or activities (*e.g.,* construction and broadband infrastructure) unless—

(a) All iron and steel used in the infrastructure project or activity are produced in the United States;

(b) All manufactured products used in the infrastructure project or activity are produced in the United States; and

(c) All construction materials are manufactured in the United States.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the PPOHA Program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards in a timely manner.

4. *Funding Restrictions:* We specify unallowable costs in 34 CFR 606.10(c). We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the

applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 55 pages and (2) use the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit applies to the Project Narrative, which is your complete response to the selection criteria and, if applicable, the competitive preference priorities. However, the page limit does not apply to the Application for Federal Assistance form (SF–424); the ED SF–424 Supplement form; the Budget Information—Non-Construction Programs form (ED 524); the assurances and certifications; or the one-page project abstract, the program profile form, and supporting budget narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210, 606.8, and 606.22. Applicants should address each of the following selection criteria separately for each proposed activity. We will award up to 100 points to an application under the selection criteria and up to 15 additional points to an application under the competitive preference priorities, for a total score of up to 115 points. The maximum score for each criterion is noted in parentheses.

(a) *Quality of the applicant's comprehensive development plan.* (Up to 25 points)

The Secretary evaluates each application for a development grant based on the extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution (Up to 5 points);

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis (Up to 5 points);

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution (Up to 5 points);

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources (Up to 5 points); and

(5) The 5-year plan describes how the applicant will improve its services to Hispanic and other low-income students (Up to 5 points).

Note: Under 34 CFR 606.8(a), a comprehensive development plan is an institution's strategy for achieving growth and self-sufficiency by strengthening its (1) academic programs; (2) institutional management; and (3) fiscal stability.

(b) *Quality of the project design.* (Up to 15 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following:

(1) The extent to which the proposed project demonstrates a rationale (as defined in this notice) (Up to 10 points); and

(2) The extent to which the proposed project is supported by promising evidence (as defined in this notice) (Up to 5 points).

Note: To establish that their projects ''demonstrate a rationale,'' applicants must use a logic model (as defined in this notice) and identify research or evaluation findings suggesting that a key project component is likely to improve relevant outcome. To establish that their projects are supported by ''promising evidence,'' applicants should cite the supporting study or studies that meet the conditions in the definition of ''promising evidence'' and attach the study or studies as part of the application attachments. In addressing ''promising evidence,'' applicants are encouraged to align the direct student services proposed in the application to evidence-based practices identified in the selected studies. Note that the research cited to address the ''promising evidence'' criterion can be the same research provided to demonstrate a rationale, but only applications that include logic models can receive full points under the ''demonstrate a rationale'' selection factor.

(c) *Quality of activity objectives.* (Up to 10 points)

The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results (Up to 5 points); and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan (Up to 5 points).

(d) *Quality of implementation strategy.* (Up to 20 points)

The extent to which—

(1) The implementation strategy for each activity is comprehensive (Up to 10 points);

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects (Up to 5 points); and

(3) The timetable for each activity is realistic and likely to be attained (Up to 5 points).

(e) *Quality of the project management plan.* (Up to 10 points)

The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation (Up to 5 points); and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer (Up to 5 points).

(f) *Quality of key personnel.* (Up to 5 points)

The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives (Up to 2 points); and

(2) The time commitment of key personnel is realistic (Up to 3 points).

(g) *Quality of evaluation plan.* (Up to 10 points)

The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan (Up to 5 points); and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan (Up to 5 points).

(h) *Budget.* (Up to 5 points)

The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria in this notice, as well as the competitive preference priorities. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review.

In the event there are two or more applications with the same final score, and there are insufficient funds to fully support each of these applications, the Department applies the following tie-breaking factors.

To resolve ties in the reader scores of applications for development grants, the Department will award one additional point to an application from an IHE that has an endowment fund for which the current market value, per FTE enrolled student, is less than the comparable average current market value of the endowment funds, per FTE enrolled student, at similar type IHEs. In addition, to resolve ties in the reader scores of applications for PPHOA development grants, the Department will award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the comparable average expenditures for library materials per FTE enrolled student at similar type IHEs. (34 CFR 606.23(a)(1) and (2)). For the purpose of these funding considerations, we will use the most recent complete data available (*e.g.,* for FY 2022, we will use 2020–21 data).

If a tie remains after applying the tiebreaker mechanism above, priority will be given for Individual Development Grants to applicants that have the lowest endowment values per FTE student. (see 34 CFR 606.23(b)(1)).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a GAN; or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those

modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements, please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case, the Secretary establishes a data collection period.

5. *Performance Measures:* For the purpose of Department reporting under 34 CFR 75.110, the Secretary has established the following key performance measures for assessing the effectiveness of the PPOHA Program:

(a) The percentage change, over the 5-year grant period, of the number of full-time degree-seeking graduate and professional students enrolled at HSIs currently receiving an award under this program.

(b) The percentage change, over the 5-year grant period, of the number of master's, doctoral, and first-professional degrees and postbaccalaureate certificates awarded at HSIs currently receiving an award under this program; and

(c) Cost per successful outcome: The Federal cost per master's, doctoral, and first-professional degree and postbaccalaureate certificate awarded at HSIs currently receiving an award under this program.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Michelle Asha Cooper,

Acting Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2022–12666 Filed 6–10–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on June 21–22, 2022, as a hybrid meeting via webinar and in person, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) which is scheduled at the same time via webinar.

DATES: June 21–22, 2022.

ADDRESSES: The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The in person meeting will take place at IEA Headquarters, 9 rue de la Fédération, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held as a hybrid meeting via webinar and in person at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Central European Summer Time (CEST), on June 21, 2022. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location and via webinar at the same time.

The location details of the SEQ and SOM webinar meeting are under the

control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

1. Welcome by the Chair
2. New delegates to introduce themselves
3. Adoption of the Agenda
4. Approval of Summary Record of meeting of 16 March 2022
5. Reports on Recent Oil Market and Policy Developments in IEA Countries
6. Update on sanctions on Russia
7. Update on the Current Oil Market Situation
8. Implications of an EU embargo on Russian crude and oil product markets
9. Aviation and jet fuel update
10. Gas market update
11. World Energy Investment
12. Electric Vehicles Update
13. Any other business: Date of next SEQ/SOM meetings: 15–17 November 2022

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held as a hybrid meeting via webinar and in person at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Central European Summer Time (CEST), on June 22, 2022. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location and via webinar at the same time. The IAB will also hold a preparatory meeting among company representatives at the same location at 08:30 a.m. CEST on June 21, 2022. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The location details of the SEQ meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of the Summary Records of the 168th and 169th SEQ meetings
3. Stockholding levels of IEA Member Countries
4. IEA oil stockholding releases 2022
5. QuE reporting
6. Russia's invasion of Ukraine: impact on fuel security
7. Ministerial Mandate on oil stockholding
8. Mid-term review Luxembourg
9. Emergency Response Review of Norway
10. Industry Advisory Board Update
11. Oral Reports by Administrations
12. Emergency Response Review of Italy
13. Update on Accession process of Colombia
14. Any Other Business

Schedule of ERRs for 2022/2023

Schedule of SEQ & SOM Meetings for 2022/23:

—15–17 November 2022

—14–16 March 2023 (tentative)

—13–15 June 2023 (tentative)

—14–16 November 2023 (tentative)

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Signing Authority: This document of the Department of Energy was signed on June 7, 2022, by Thomas Reilly, Assistant General Counsel for International and National Security Programs, 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, June 8, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–12657 Filed 6–10–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–136–000.
Applicants: Maple Flats Solar Energy Center LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Maple Flats Solar Energy Center LLC.
Filed Date: 6/7/22.
Accession Number: 20220607–5047.
Comment Date: 5 p.m. ET 6/28/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1840–005; ER16–634–001.
Applicants: AltaGas Pomona Energy Inc., Blythe Energy, LLC.
Description: Triennial Market Power Analysis for Southwest Region of Blythe Energy Inc., et al.
Filed Date: 6/6/22.
Accession Number: 20220606–5288.
Comment Date: 5 p.m. ET 8/5/22.

Docket Numbers: ER22–1278–001.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2022–06–07 Compliance Filing—RSEE to be effective 6/1/2022.
Filed Date: 6/7/22.
Accession Number: 20220607–5118.
Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–1518–000.
Applicants: Laurel Mountain BESS, LLC.
Description: Supplement to March 31, 2022 Laurel Mountain BESS, LLC tariff filing.
Filed Date: 6/6/22.
Accession Number: 20220606–5279.
Comment Date: 5 p.m. ET 6/16/22.

Docket Numbers: ER22–2033–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Correction to ISA, Service Agreement No. 5861; Queue Nos. AF2–305/AG1–398 to be effective 5/13/2022.
Filed Date: 6/7/22.
Accession Number: 20220607–5113.
Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2042–000.
Applicants: Jackpot Holdings, LLC.
Description: Baseline eTariff Filing: Jackpot Holdings, LLC—MBR Application to be effective 8/6/2022.
Filed Date: 6/6/22.
Accession Number: 20220606–5216.

Comment Date: 5 p.m. ET 6/27/22.

Docket Numbers: ER22–2043–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6480; Queue No. AC2–154/AD2–060 to be effective 5/9/2022.

Filed Date: 6/6/22.

Accession Number: 20220606–5218.

Comment Date: 5 p.m. ET 6/27/22.

Docket Numbers: ER22–2044–000.

Applicants: Just Energy Limited.

Description: Baseline eTariff Filing: Just Energy Limited Market-Based Rate Application to be effective 7/6/2022.

Filed Date: 6/6/22.

Accession Number: 20220606–5237.

Comment Date: 5 p.m. ET 6/27/22.

Docket Numbers: ER22–2045–000.

Applicants: New York State Electric & Gas Corporation.

Description: § 205(d) Rate Filing: NYSEG–NYPA Attachment C—O&M Annual Update to be effective 9/1/2022.

Filed Date: 6/7/22.

Accession Number: 20220607–5056.

Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2046–000.

Applicants: Sapphire Sky Wind Energy LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 8/7/2022.

Filed Date: 6/7/22.

Accession Number: 20220607–5060.

Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2047–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2022–06–07_SA 3299 Att A_Ameren IL-Norris Electric-Russellville Proj. No. 6 to be effective 8/7/2022.

Filed Date: 6/7/22.

Accession Number: 20220607–5073.

Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2048–000.

Applicants: Skipjack Solar Center, LLC.

Description: Baseline eTariff Filing: Reactive Supply and Voltage Control Baseline to be effective 6/8/2022.

Filed Date: 6/7/22.

Accession Number: 20220607–5079.

Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2049–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–06–07 PSC–HLYCRS-Const Agrmt-Rifle-668–0.0.0 to be effective 6/8/2022.

Filed Date: 6/7/22.

Accession Number: 20220607–5117.

Comment Date: 5 p.m. ET 6/28/22.

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 7, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12671 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN79–6–000]

FERC Form 580, Interrogatory on Fuel and Energy, Purchase Practices; Notice of Request for Partial Waiver

Take notice that on May 27, 2022, pursuant to Rule 207(a)(5) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] Sierra Pacific Power Company submitted a request for a partial waiver of the requirement to respond to the 2022 FERC Form 580 Interrogatory on Fuel and Energy Purchase Practices, as more fully explained in the request.

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 Applicant.

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.

The Commission strongly encourages electronic filings of comments, 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.

Comment Date: 5:00 p.m. Eastern time on June 17, 2022.

Dated: June 7, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12678 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.207(2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2042–000]

Jackpot Holdings, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Jackpot Holdings, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for

blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 27, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 7, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12676 Filed 6–10–22; 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: RP22–975–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SoCal June 2022) to be effective 6/7/2022.

Filed Date: 6/6/22.

Accession Number: 20220606–5097.

Comment Date: 5 p.m. ET 6/20/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 7, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12670 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–491–000]

National Fuel Gas Supply Corporation; Notice of Request for Extension of Time

Take notice that on June 2, 2022, National Fuel Gas Supply Corporation (National Fuel) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 31, 2022, to abandon certain facilities authorized in the Order Issuing Certificates and Authorizing Abandonment issued on July 17, 2020 (Certificate Order).[1] The Certificate Order authorized Transcontinental Gas Pipe Line Company, LLC's Leidy South Project in Docket No. CP19–494–000 and National Fuel's FM100 Project in the instant docket. The Commission's February 22, 2021 Notice to Proceed with Construction granted National Fuel's request to commence construction activities for the FM100 Project but did not grant authority to commence abandonment activities. National Fuel states that it has completed the pipeline construction activities and went into service on December 1, 2021. National Fuel requested a notice to proceed with abandonment activities on May 4, 2022, which was granted by the Commission on May 9, 2022. Ordering Paragraph (E)(1) of the Certificate Order required National Fuel to install and abandon its facilities for the FM100 Project by July 17, 2022.

National Fuel states that abandonment consists of the following activities: (a) abandonment of approximately 44.9 miles of Line FM100; (b) abandonment of Station WHP–MS–4317X; and (c) abandonment of the Costello Compressor Station. National Fuel avers that of the 44.9 miles planned for abandonment, approximately 30.2 miles traverse Pennsylvania Department of Conservation and Natural Resources (DCNR) owned land including the Moshannon, Elk, and Susquehannock State Forests. National Fuel asserts that it has worked diligently to complete the FM100 Project but in order to accommodate DCNR's construction timing restrictions, National Fuel has delayed the start of abandonment activities until June 2022 to minimize impacts to DCNR public-use roadways and to avoid hunting seasons.

[1] *National Fuel Gas Supply Corporation,* 172 FERC ¶ 61,039 (2020).

National Fuel states that the extension of time is necessary to enable it to safely complete the abandonment work on the FM100 Project. National Fuel requests that the Commission issue any waivers that may be necessary to grant the extension of time. National Fuel asserts that the extension of time will not result in any additional environmental impacts not already examined on the record. Accordingly, National Fuel requests an extension of the July 17, 2022 deadline to complete abandonment activities time until December 31, 2022.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on National Fuel's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[2] the Commission will aim to issue an order acting on the request within 45 days.[3] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[4] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[5] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[6] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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 Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and three copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on: June 22, 2022.

Dated: June 7, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12673 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14796–001]

Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping, Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests; GreenGenStorage, LLC

a. *Type of Filing:* Notice of Intent to File License Application for an Original License and Commencing Pre-filing Process.

b. *Project No.:* 14796–001.

c. *Date Filed:* April 8, 2022.

d. *Submitted By:* GreenGenStorage, LLC (GreenGen).

e. *Name of Project:* Mokelumne Pumped Storage Project.

f. *Location:* Near the town of Jackson, in Amador and Calaveras Counties, California. The project would occupy 85.7 acres of federal land administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contact:* Mr. Nicholas Sher, GreenGenStorage, LLC, 4900 Shattuck Avenue, P.O. Box 3833, Oakland, CA 94609; (209) 217–1425; email: *nicholas@greengenstorage.com.*

i. *FERC Contact:* Rebecca Kipp, (202) 502–8846; *rebecca.kipp@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and (c) the Nevada State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. GreenGen filed with the Commission a Pre-Application Document (PAD), including a proposed process plan and schedule, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2021).

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] *Id.* at P 40.

[5] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[6] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. With this notice, we are soliciting comments on the PAD and Commissions staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file documents using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online. 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–14796–001.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by August 8, 2022.

o. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Process

Due to ongoing concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. The dates and times of the meetings are listed below.

Meeting for Resource Agencies, Tribes, and NGOs

Wednesday, June 29, 2022, 10:00 a.m.–12:00 p.m. PST

Call in number: (800) 779–8625.

Access code: 3472916.

Following entry of the access code, please provide the required details when prompted.

Meeting for the General Public

Thursday June 30, 2022, 6:00 p.m.–8:00 p.m. PST

Call in number: (800) 779–8625.

Access code: 3472916.

Following entry of the access code, please provide the required details when prompted.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and GreenGen's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 will include a revised process plan and schedule, as well as a list of issues, based on the scoping process.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the potential of any federal or state agency or Indian tribe to act as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for comments and questions. We ask for your patience as staff present information and field participant comments in an orderly manner. To indicate you have a question or comment, press * and 3 to virtually ''raise your hand''. Oral comments will be limited to 5 minutes in duration for each participant. The meetings will be recorded by a stenographer and will be filed to the public record of the project.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants have presented their oral comments or at the specified end time, whichever occurs first.

Dated: June 7, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12669 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP22–461–000; PF22–1–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on May 23, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056–6106, filed in the above referenced docket, an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for its proposed Southside Reliability Enhancement Project (Project). Specifically, Transco proposes to: (1) construct the new 33,000 hp Compressor Station 168 in Mecklenburg County, Virginia; (2) install one new 16,000 hp compressor and related modifications at existing Compressor Station 166 in Pittsylvania County, Virginia; and (3) make modifications to facilitate flow reversal at the existing Compressor Station 155 in Davidson County, North Carolina. Transco estimates the cost of the project to be $212,535,894, 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 Nick Baumann, Regulatory Analyst, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251–1396, by telephone at (713) 215–3383 or by email at *nick.baumann@williams.com.*

On October 19, 2021 the Commission granted the Applicant's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF22–1–000 to staff activities involved in the Project. Now, as of the filing of the May 23, 2022 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP22–461–000 as noted in the caption of this Notice.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public 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 June 28, 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 June 28, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–461–000 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.[2] Your written comments must reference the Project docket number (CP22–461–000). 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,[3] 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.

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

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 [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is June 28, 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 CP22–461–000 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.[6] Your motion to intervene must reference the Project docket number CP22–461–000. 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: Nick Baumann, Regulatory Analyst, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251–1396 or *nick.baumann@williams.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 [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to 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.[9] 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 June 28, 2022.

Dated: June 7, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12677 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2044–000]

Just Energy Limited; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Just Energy Limited's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 27, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number

field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 7, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12675 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
None.		
Exempt:		
RP19–1523–000	6–3–2022	U.S. Senator Roy Blunt.

Dated: June 7, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12672 Filed 6–10–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0330; FRL 9900–01–OAR]

California State Motor Vehicle Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Request for Waiver of Preemption; Opportunity for Public Hearing and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and comment.

SUMMARY: The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that it has finalized its rulemaking to amend provisions of the California emissions warranty and emissions maintenance schedules to extend the emissions warranty periods for 2022 and subsequent model year on-road heavy-duty diesel engines and for 2022 and subsequent model year diesel vehicles with a gross vehicle weight rating (GVWR) exceeding 14,000 pounds powered by such engines (the 2018 HD Warranty Amendments). By letter dated October 22, 2021, CARB submitted a request that EPA determine that the 2018 HD Warranty Amendments are within the scope of the previously-granted waiver for California's emission standards and associated test procedures for 2007 and subsequent model year heavy-duty diesel vehicles and engines. Alternatively, CARB requests that EPA grant California a new waiver of preemption for the 2018 HD Warranty Amendments. This notice announces that EPA has scheduled a public hearing concerning California's request and that EPA is accepting written comment on the request.

DATES: Written comments must be received on or before August 2, 2022.

Public Hearing: EPA plans to hold a virtual public hearing on June 29, 2022. This one hearing will also cover the notices for California's Omnibus Low NOx Regulation, Docket No. EPA–HQ–OAR–2022–0332, and Advanced Clean Trucks, Zero Emission Airport Shuttle, and Zero-Emission Power Train Certification regulations, Docket No. EPA–HQ–OAR–2022–0331. Additional information regarding the virtual public hearing and this action can be found at: *https://www.epa.gov/regulations-emissions-vehicles-and-engines/public-hearing-information-waiver-requests-californias.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2022–0330, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred

method). Follow the on-line instructions for submitting comments.

• *Mail:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave. NW, Room B108, Mail Code 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2022–0330. Please include a total of two copies.

• *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Instructions: Direct your comments to Docket ID No EPA–HQ–OAR–2022–0330.

Instructions: All submissions received must include the Docket ID No. for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. For the full EPA public comment policy, information about Confidential Business Information (CBI) or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

The *http://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. 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, will be publicly available only in hard copy.

EPA has established a docket for this action under EPA–HQ–OAR–2022–0330. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only, and walk-ins are not allowed. Visitors to the Reading Room must complete docket material requests in advance and then make an appointment to retrieve the material. Please contact the EPA Reading Room staff at (202) 566–1744 or via email at *docket-customerservice@epa.gov* to arrange material requests and appointments. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and status, please visit us online at *https://www.epa.gov/*dockets.

EPA's Office of Transportation and Air Quality also maintains a web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices. The page can be accessed at *https://www.epa.gov/state-and-localtransportation/vehicle-emissionscalifornia-waivers-and-authorizations.* Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

Public Hearing. The virtual public hearing will be held on June 29, 2022. The hearing will begin at 9:00 a.m. Eastern Time (ET) and end when all parties who wish to speak have had an opportunity to do so. As noted above, this one virtual hearing is designed to allow speakers to also address the notices for California's Omnibus Low NO_X Regulation, Docket No. EPA–HQ–OAR–2022–0332, and Advanced Clean Trucks, Zero Emission Airport Shuttle, and Zero-Emission Power Train Certification regulations, Docket No. EPA–HQ–OAR–2022–0331. All hearing attendees (including those who do not intend to provide testimony and merely listen) should register at: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg* by June 21, 2022. Once an email is sent to this address you will receive an automatic reply with further information for registration. Be sure to check your clutter and junk mailboxes for this reply. Please refer to *Instructions* in the **ADDRESSES** section and *Procedures for Public Participation* in the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing and public comment process.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Compliance Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Dickinson.David@epa.gov* or Kayla Steinberg, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Steinberg.Kayla@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. CARB's Waiver Request

CARB's October 22, 2021, letter to the Administrator notified EPA that CARB had finalized amendments to its emission standards and associated test procedures for heavy-duty diesel vehicles and engines.[1] These 2018 HD Warranty Amendments, adopted by the Board on June 28, 2018, extend the emissions warranty periods for 2022 and subsequent model year on-road heavy-duty diesel engines and for 2022 and subsequent model year diesel vehicles with a GVWR exceeding 14,000 pounds powered by such engines. In its letter to the Administrator, CARB requests a determination that the 2018 HD Warranty Amendments are within the scope of a waiver the Administrator previously granted for California's emission standards and associated test procedures for 2007 and subsequent model year heavy-duty diesel vehicles and engines or, alternatively, that EPA grant California a new waiver of preemption for the amendments.[2]

CARB's waiver analysis, set forth in its Waiver Request Support Document, addresses how the amendments contained in the waiver request meet the requirements of a within-the-scope waiver as well as each of the three waiver criteria in section 209(b)(1) of the CAA.[3] For example, CARB explains

[1] These amendments are set forth in title 13, California Code of Regulations (Cal. Code Regs.), sections 1956.8, 2035, 2036, and 2040.

[2] This waiver is at 70 FR 50322 (August 26, 2005). CARB's letter from Richard W. Corey, dated October 22, 2021, is available at Docket No. EPA–HQ–OAR–2022–0330. The Waiver Request Support Document, attached to the letter from Mr. Corey, is available at Docket No. EPA–HQ–OAR–2022–0330.

[3] The Waiver Request Support Document provides a summary of the adopted regulation, a

Continued

how its amendments will not undermine CARB's protectiveness determinations regarding California's standards for heavy-duty diesel engines or vehicles.[4] CARB also explains how it continues to demonstrate California's need for a separate motor vehicle emission program, including the amendments contained in its waiver request, under section 209(b)(1)(B) of the CAA.[5] Finally, CARB explains how the regulations in its waiver request meet the requirement in section 209(b)(1)(C), which requires California's regulations to be consistent with section 202(a) of the CAA.[6]

II. Scope of Preemption and Criteria for a Waiver Under the Clean Air Act

Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b).[7] Section 209(b)(1) requires the Administrator to grant a waiver unless he finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. Previous decisions granting waivers of Federal preemption for motor vehicles have stated that State standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time period or if the Federal and State test procedures impose inconsistent certification procedures.[8]

If California amends regulations that were previously granted a waiver, EPA can confirm that the amended regulations are within the scope of the previously granted waiver. Such within-the-scope amendments are permissible without a full waiver review if EPA determines three conditions are met. First, the amended regulations must not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any ''new issues'' affecting EPA's prior waivers.[9]

III. Request for Comment

When EPA receives new waiver requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then, after the comment period has closed, publishes a notice of its decision in the **Federal Register**. First, we request comment on whether CARB's 2018 HD Warranty Amendments should be considered under the within-the-scope analysis or whether they should be considered under the full waiver criteria. Specifically, we request comment on whether California's 2018 HD Warranty Amendments (1) undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards, (2) affect the consistency of California's requirements with section 202(a) of the Act, and (3) raise any other ''new issue'' affecting EPA's previous waiver or authorization determinations.

Should any party believe that CARB's 2018 HD Warranty Amendments do not merit consideration as within-the-scope of the previous waivers, EPA also requests comment on whether those amendments meet the criteria for a full waiver. Specifically, EPA requests comment on whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act.

With regard to section 209(b)(1)(B), EPA must grant a waiver request unless the Agency finds that California ''does not need such State standards to meet compelling and extraordinary conditions.'' EPA has interpreted the phrase ''need[s] such State standards to meet compelling and extraordinary conditions'' to mean that California needs a separate motor vehicle program as a whole in order to address environmental problems caused by conditions specific to California and/or effects unique to California (the ''traditional'' interpretation).[10] EPA intends to use this traditional interpretation. EPA seeks comment on whether California needs the 2018 HD under section 209(b)(1)(B).

With regard to section 209(b)(1)(C), EPA has previously stated that consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, giving due consideration to costs, and that California and applicable Federal test procedures be consistent.[11] Included in, but not

brief history of similar regulations, and an analysis of the adopted regulation under the waiver criteria in section 209(b)(1) of the CAA.

[4] Waiver Request Support Document at 15–16.

[5] Waiver Request Support Document at 23–25.

[6] Waiver Request Support Document at 20–23.

[7] ''The language of the statute and its legislative history indicate that California's regulations, and California's determination that they comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them.'' *Motor and Equipment Mfrs. Ass'n* v. *EPA,* 627 F.2d 1095, 1121 (D.C. Cir. 1979).

[8] To be consistent, the California certification procedures need not be identical to the Federal certification procedures. California procedures would be inconsistent, however, if manufacturers would be unable to meet the state and the Federal requirements with the same test vehicle in the course of the same test. *See, e.g.,* 43 FR 32182 (July 25, 1978).

[9] *See, e.g.,* 81 FR 78149 (November 7, 2016); 82 FR 6525 (January 19, 2017).

[10] *See, e.g.,* 81 FR 78149, 78153 (November 7, 2016); 81 FR 95982, 95985–86 (December 29, 2016). EPA recently found and confirmed, in the Agency's reconsideration of a previous withdrawal of a waiver of preemption for CARB's Advanced Clean Car program, that the traditional interpretation of section 209(b)(1)(B) was appropriate and continues to be a better interpretation. 87 FR 14332, 14367 (March 14, 2022).

[11] *See, e.g.,* 81 FR 78149, 78153–54 (''EPA has previously stated that the determination is limited to whether those opposed to the waiver have met their burden of establishing that California's standards are technologically infeasible, or that California's test procedures impose requirements inconsistent with the federal test procedure. Infeasibility would be shown here by demonstrating that there is inadequate lead time to permit the development of technology necessary to meet the 2013 HD OBD New or Stricter Requirements that are subject to the waiver request, giving appropriate consideration to the cost of compliance within that time.'' (citing 38 FR 30136 (November 1, 1973) and 40 FR 30311 (July 18, 1975)); 81 FR 95982, 95986 (December 29, 2016); 70 FR 50322 (August 26, 2005).

limited to, EPA's request for comment is what provisions in section 202(a) of the CAA are applicable to California due to the reference of section 202(a) in section 209(b)(1)(C).[12] EPA invites comment on how such provisions, to the extent they may be applicable to California, should be evaluated in the context of EPA's evaluation of CARB's waiver request under the criteria in section 209(b)(1)(C) of the CAA.

IV. Procedures for Public Participation

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing or to otherwise attend, please visit: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg.* The last day to pre-register to speak at the hearing will be June 21, 2022. If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by June 14, 2022. EPA may not be able to arrange accommodations without advance notice.

Each commenter will have 5 minutes to provide oral testimony. EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. EPA recommends submitting the text of your oral comments as written comments to the rulemaking docket. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

The Agency will make a verbatim record of the proceedings at the hearing and will be placed in the docket. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. EPA will keep the record open until August 2, 2022. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, relevant written submissions, and other information that she deems pertinent.

Persons with written comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Sarah Dunham,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2022–12718 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

[12] For example, section 202(a)(3)(C) of the CAA provides: ''(C) Lead time and stability.—Any standard promulgated or revised under this paragraph and applicable to classes or categories of heavy-duty vehicles or engines shall apply for a period of no less than 3 model years beginning no earlier than the model year commencing 4 years after such revised standard is promulgated.'' *See also* 59 FR 48625 (September 22, 1994) and associated Decision Document at EPA–HQ–OAR–2022–0330; EPA's Notice of denial—Petition for Reconsideration of Waiver of Federal Preemption for California to Enforce Its NO_X Emission Standards and Test Procedures, 46 FR 22032 (April 15, 1981).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0494; FRL–9922–01–OECA]

Proposed Information Collection Request; Comment Request; Tips and Complaints Regarding Environmental Violations (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Tips and Complaints Regarding Environmental Violations'' (EPA ICR No. 2219.06, OMB Control No. 2020–0032), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through February 28, 2023. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 12, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OECA–2009–0494, online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Michael Le Desma; Legal Counsel Division; Office of Criminal Enforcement, Forensics and Training; Environmental Protection Agency, Building 25, Box 25227, Denver Federal Center, Denver, CO 80025; telephone number: (303) 462–9453; fax number: (303) 462–9075; email address: *ledesma.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA tips and complaints web form is intended to provide an easy and convenient means by which members of the public can supply information to EPA regarding suspected violations of environmental law. The decision to provide a tip or complaint is entirely voluntary and use of the webform when supplying a tip or complaint is also entirely voluntary. Tippers need not supply contact information or other personal identifiers. Those who do supply such information, however, should know that this information may be shared by EPA with appropriate administrative, law enforcement, and judicial entities engaged in investigating or adjudicating the tip or complaint.

Form Numbers: None.

Respondents/affected entities: Respondents are expected to be members of the general public as well as employees of any company subject to federal environmental regulation. There is no specific industry or group of industries about which EPA expects tips or complaints.

Respondent's obligation to respond: voluntary.

Estimated number of respondents: 1,585 per month (total).

Frequency of response: generally, a one-time response.

Total estimated burden: 9,510 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $487,673 (per year), includes no annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 924 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase reflects the fact that tips and complaints are being filed at a higher rate as the website becomes more widely known, a strong indication of the continued success of this program. There has been no change in the information being reported or the estimated burden per respondent.

Dated: June 2, 2022.

Henry Barnet,

Director, Office of Criminal Enforcement, Forensics and Training.

[FR Doc. 2022–12688 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0758, FRL–9903–01–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Part B Permit Application, Permit Modifications, and Special Permits, EPA ICR No. 1573.16, OMB Control No. 2050–0009

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Part B Permit Application, Permit Modifications, and Special Permits (EPA ICR No. 1573.15, OMB Control No. 2050–0009) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through January 31, 2023. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 12, 2022.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0758, at *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit 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. 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.*

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov.* Materials can also be viewed at the Reading Room located at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). The telephone number for the Docket Center is 202–566–1744.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 3005 of Subtitle C of RCRA requires treatment, storage or disposal facilities (TSDFs) to obtain a permit. To obtain the permit, the TSDFs must submit an application describing the facility's operation. There are two parts to the RCRA permit application—

Part A and Part B. Part A defines the processes to be used for treatment, storage, and disposal of hazardous wastes; the design capacity of such processes; and the specific hazardous wastes to be handled at the facility. Part B requires detailed site-specific information such as geologic, hydrologic, and engineering data. In the event that permit modifications are proposed by the applicant or the EPA, modifications must conform to the requirements under Sections 3004 and 3005.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA Section 3005).

Estimated number of respondents: 159.

Frequency of response: On occasion.

Total estimated burden: 20,086 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $7,008,865 (per year), which includes $5,697,625 annualized capital or operation & maintenance costs.

Changes in estimates: The burden hours are likely to stay substantially the same.

Dated: June 3, 2022.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2022–12617 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0332; FRL 9902–01–OAR]

California State Motor Vehicle Pollution Control Standards and Nonroad Engine Pollution Control Standards; The ''Omnibus'' Low NO_X Regulation; Request for Waivers of Preemption; Opportunity for Public Hearing and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and comment.

SUMMARY: The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that it has finalized its ''Omnibus'' Low NO_X Regulation, which establishes criteria pollutant exhaust emission standards for new 2024 and subsequent model year on-road medium- and heavy-duty engines and vehicles. The regulation also establishes emissions-related requirements for off-road engines. By letter dated January 31, 2022, CARB submitted a request that EPA grant a waiver of preemption and an authorization under the Clean Air Act (CAA) for this regulation. This notice announces that EPA has scheduled a public hearing concerning California's request and that EPA is accepting written comment on the request.

DATES: Written comments must be received on or before August 2, 2022.

Public Hearing: EPA plans to hold a virtual public hearing on June 29, 2022. This one hearing will also cover the notices for California's Advanced Clean Truck Regulation, Docket No. EPA–HQ–OAR–2022–0331, and 2018 HD Warranty Amendments, Docket No. EPA–HQ–OAR–2022–0330. Additional information regarding the virtual public hearing and this action can be found at: *https://www.epa.gov/regulations-emissions-vehicles-and-engines/public-hearing-information-waiver-requests-californias.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2022–0332, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred method). Follow the on-line instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave. NW, Room B108, Mail Code 6102T, Washington, DC 20460, attention Docket ID No. EPA–HQ–OAR–2022–0332. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Instructions: Direct your comments to Docket ID No EPA–HQ–OAR–2022–0332.

Instructions: All submissions received must include the Docket ID No. for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. For the full EPA public comment policy, information about Confidential Business Information (CBI) or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

The *http://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. 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, will be publicly available only in hard copy.

EPA has established a docket for this action under EPA–HQ–OAR–2022–0332. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC. Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only, and walk-ins are not allowed. Visitors to the Reading Room must complete docket material requests in advance and then make an appointment to retrieve the material. Please contact the EPA Reading Room staff at (202) 566–1744 or via email at *docket-customerservice@epa.gov* to arrange material requests and appointments. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and status, please visit us online at *https://www.epa.gov/* dockets.

EPA's Office of Transportation and Air Quality also maintains a web page that contains general information on its review of California waiver and

authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices. The page can be accessed at *https://www.epa.gov/state-and-localtransportation/vehicle-emissionscalifornia-waivers-and-authorizations.* Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

Public Hearing. The virtual public hearing will be held on June 29, 2022. The hearing will begin at 9:00 a.m. Eastern Time (ET) and end when all parties who wish to speak have had an opportunity to do so. As noted above, this hearing will also cover the notices for California's Advanced Clean Truck Regulation, Docket No. EPA–HQ–OAR–2022–0331, and 2018 HD Warranty Amendments, Docket No. EPA–HQ–OAR–2022–0330. All hearing attendees (including those who do not intend to provide testimony and merely listen) should register at: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg* by June 21, 2022. Please refer to *Instructions* in the **ADDRESSES** section and *Procedures for Public Participation* in the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing and public comment process.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Transportation and Climate Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Dickinson.David@epa.gov* or Kayla Steinberg, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Steinberg.Kayla@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. CARB's New Waiver and Authorization Requests

CARB's January 31, 2022, letter to the Administrator notified EPA that CARB had adopted its ''Omnibus'' Low NO_X Regulation.[1] The ''Omnibus'' Low NO_X regulation, adopted by the Board on August 27, 2020, establishes the next generation of criteria pollutant (specifically, nitrous oxide (NO_X) and particulate matter (PM)) exhaust emission standards and other emission-related requirements for new 2024 and subsequent model year on-road medium- and heavy-duty engines and vehicles. In addition to these on-road requirements, the Omnibus Low NO_X Regulation incorporates the PM emission standard established in the federal Phase 2 GHG Regulation into both California's Heavy-Duty Diesel Engine Idling Regulation and the associated California off-road diesel test procedures for diesel-fueled auxiliary power units (APUs).[2] CARB requests that EPA grant a new waiver for the on-road medium- and heavy-duty engines and vehicles standards and an authorization for the off-road regulation. CARB's request and waiver analysis includes ''a description of California's rulemaking action, a review of the criteria governing EPA's evaluation of California's request for waiver and authorization action, [CARB's] analysis and rationale supporting [its] request, and supporting documents.'' [3] CARB's waiver and authorization analysis, set forth in the Waiver Request Support Document, addresses how the on-road regulations within the Omnibus Low NO_X regulation contained in the waiver request meets each of the three waiver criteria in section 209(b)(1) and addresses how the off-road regulations contained in the request meets each of the three authorization criteria in section 209(e)((2)(A) of the CAA.[4] For example, CARB explains how its regulations will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards and that no basis exists for the Administrator of EPA to find that CARB's determination is arbitrary and capricious under section 209(b)(1)(A) of the CAA.[5] CARB also explains how it continues to demonstrate California's need for a separate motor vehicle emission program, under section 209(b)(1)(B) of the CAA.[6] Finally, CARB explains how the regulations in its waiver request meet the requirement in section 209(b)(1)(C), which requires California's regulations to be consistent with section 202(a) of the CAA.[7]

II. Scope of Preemption and Criteria for a Waiver Under the Clean Air Act

Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b).[8] Section 209(b)(1) requires the Administrator to grant a waiver unless he finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. Previous decisions granting waivers of Federal preemption for motor vehicles have stated that State standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance

[1] The Omnibus regulation is comprised of new title 13, California Code of Regulations (Cal. Code Regs.) sections 2139.5, and 2169.1 through 2169.8; amendments to title 13, Cal. Code Regs., sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 1971.5, 2035, 2036, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2121, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2137, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2166, 2166.1, 2167, 2168, 2169, 2170, 2423, and 2485; and amendments to title 17 Cal. Code Regs. sections 95662 and 95663.

[2] Letter from Richard W. Corey, CARB, dated December 31, 2022, at p. 1, available at Docket No. EPA–HQ–OAR–2022–0332. The Waiver Request Support Document, attached to the letter from Mr. Corey, is available to Docket No. EPA–HQ–OAR–2022–0332.

[3] Letter from Richard W. Corey, CARB, dated December 31, 2022, at p. 1.

[4] The Waiver Request Support Document provides a summary of the adopted regulation, a brief history of similar regulations, and an analysis of the adopted regulation under the waiver criteria in section 209(b)(1) of the CAA.

[5] Waiver Request Support Document at 46–50. Similarly, for CARB's off-road regulation at 73.

[6] Waiver Request Support Document at 50–52. Similarly, for CARB's off-road regulation at 74–75.

[7] Waiver Request Support Document at 52–72. Similarly, for CARB's off-road regulation at 75–77.

[8] ''The language of the statute and its legislative history indicate that California's regulations, and California's determination that they comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them.'' *Motor and Equipment Mfrs. Ass'n* v. *EPA,* 627 F.2d 1095, 1121 (D.C. Cir. 1979).

within that time period or if the Federal and State test procedures impose inconsistent certification procedures.[9]

Section 209(e)(1) of the CAA, 42 U.S.C. 7543(e)(1), prohibits states and local governments from adopting or attempting to enforce any standard or requirement relating to the control of emissions from new nonroad vehicles or engines. The CAA also preempts states from adopting and enforcing standards and other requirements related to the control of emissions from non-new nonroad engines or vehicles. Section 209(e)(2)(A) requires the Administrator, after notice and opportunity for public hearing, to authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such nonroad vehicles or engines if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. Section 209(e)(2)(A) requires the Administrator to grant an authorization of California's requirements unless he finds that (1) the determination of California is arbitrary and capricious; (2) California does not need such California standards to meet compelling and extraordinary conditions; or (3) California standards and accompanying enforcement procedures are not consistent with this section.

On July 20, 1994, EPA promulgated a rule that sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2)(A), which EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards. EPA revised these regulations in 1997.[10] As stated in the preamble to the 1994 rule, EPA has historically interpreted the section 209(e)(2)(A)(iii) ''consistency'' inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers). In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with section 209(e)(1), California's nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation. To determine consistency with section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same ''consistency'' criteria that are applied to motor vehicle waiver requests.

III. Request for Comment

When EPA receives new waiver or authorization requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then, after the comment period has closed, publishes a notice of its decision in the **Federal Register**. Regarding California's request for a waiver under section 209(b), for its motor vehicle emission standards, EPA invites comment on the following three criteria: whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act.

With regard to section 209(b)(1)(B), EPA must grant a waiver request unless the Agency finds that California ''does not need such State standards to meet compelling and extraordinary conditions.'' EPA has interpreted the phrase ''need[s] such State standards to meet compelling and extraordinary conditions'' to mean that California needs a separate motor vehicle program as a whole in order to address environmental problems caused by conditions specific to California and/or effects unique to California (the ''traditional'' interpretation).[11] EPA intends to use this traditional interpretation in evaluating California's Omnibus Low NO_X Regulations. EPA seeks comment on whether California needs the Omnibus Low NO_X Regulations under section 209(b)(1)(B).

With regard to section 209(b)(1)(C), EPA must grant a waiver request unless the Agency finds that California's standards are not consistent with section 202(a). EPA has previously stated that consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, giving due consideration to costs, and that California and applicable Federal test procedures be consistent.[12] Included in, but not limited to, EPA's request for comment is what provisions in section 202(a) of the CAA are applicable to California due to the reference of section 202(a) in section 209(b)(1)(C).[13] EPA invites comment on how such provisions, to the extent they may be applicable to California, should be evaluated in the context of EPA's evaluation of CARB's waiver request under the criteria in section 209(b)(1)(C) of the CAA.

Regarding California's request for authorization under section 209(e), for its incorporation of the federal Phase 2 GHG Regulation PM standard for diesel-fueled APUs into California's Heavy-Duty Diesel Engine Idling Regulation and off-road test procedures, we request comment on: (a) Whether CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious; (b) whether California needs such standards to meet compelling and extraordinary conditions; and (c) whether California's standards and

[9] To be consistent, the California certification procedures need not be identical to the Federal certification procedures. California procedures would be inconsistent, however, if manufacturers would be unable to meet the state and the Federal requirements with the same test vehicle in the course of the same test. *See, e.g.,* 43 FR 32182 (July 25, 1978).

[10] 59 FR 36969 (July 20, 1994). These regulations were subsequently slightly modified and moved to 40 CFR part 1074. *See* 73 FR 59379 (Oct. 8, 2008).

[11] *See, e.g.,* 81 FR 78149, 78153 (November 7, 2016); 81 FR 95982, 95985–95986 (December 29, 2016). EPA recently found and confirmed, in the Agency's reconsideration of a previous withdrawal of a waiver of preemption for CARB's Advanced Clean Car program, that the traditional interpretation of section 209(b)(1)(B) was appropriate and continues to be a better interpretation (87 FR 14332, 14367 (March 14, 2022). CARB's January 31, 2022, waiver request addresses both the traditional and an alternative interpretation wherein the need for the specific standards in the waiver request would be evaluated.

[12] *See, e.g.,* 81 FR 78149, 78153–78154 (''EPA has previously stated that the determination is limited to whether those opposed to the waiver have met their burden of establishing that California's standards are technologically infeasible, or that California's test procedures impose requirements inconsistent with the federal test procedure. Infeasibility would be shown here by demonstrating that there is inadequate lead time to permit the development of technology necessary to meet the 2013 HD OBD New or Stricter Requirements that are subject to the waiver request, giving appropriate consideration to the cost of compliance within that time.'' (citing 38 FR 30136 (November 1, 1973) and 40 FR 30311 (July 18, 1975)); 81 FR 95982, 95986 (December 29, 2016); 70 FR 50322 (August 26, 2005).

[13] For example, section 202(a)(3)(C) of the CAA provides: ''(C) Lead time and stability.—Any standard promulgated or revised under this paragraph and applicable to classes or categories of heavy-duty vehicles or engines shall apply for a period of no less than 3 model years beginning no earlier than the model year commencing 4 years after such revised standard is promulgated.'' *See also* 59 FR 48625 (September 22, 1994) and associated Decision Document at EPA–HQ–OAR–2022–0332; EPA's Notice of denial—Petition for Reconsideration of Waiver of Federal Preemption for California to Enforce Its NO_X Emission Standards and Test Procedures, 46 FR 22032 (April 15, 1981).

accompanying enforcement procedures are consistent with section 209 of the Act.

IV. Procedures for Public Participation

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please visit: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg.* The last day to pre-register to speak at the hearing will be June 21, 2022. If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by June 14, 2022. EPA may not be able to arrange accommodations without advance notice.

Each commenter will have 5 minutes to provide oral testimony. EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. EPA recommends submitting the text of your oral comments as written comments to the rulemaking docket. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

The Agency will make a verbatim record of the proceedings at the hearing and will be placed in the docket. EPA will keep the record open until August 2, 2022. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, relevant written submissions, and other information that she deems pertinent.

Persons with written comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Sarah Dunham,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2022–12719 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0331; FRL 9883–01–OAR]

California State Motor Vehicle Pollution Control Standards; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Request for Waiver of Preemption; Opportunity for Public Hearing and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and comment.

SUMMARY: The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that it has finalized three rulemaking actions—the Advanced Clean Trucks (ACT), Zero Emission Airport Shuttle Bus (ZEAS), and Zero Emission Powertrain (ZEP) Certification regulations. The regulations require manufacturers to produce and sell increasing numbers of zero-emission medium and heavy-duty vehicles, require certain fleets to acquire increasing numbers of zero emitting airport shuttles, and establish new certification requirements and optional emission standards for 2021 and subsequent model year zero-emission medium- and heavy-duty vehicles and the zero-emission powertrains installed on them. By letter dated December 20, 2021, CARB submitted a request that EPA grant waivers of preemption under the Clean Air Act (CAA) This notice announces that EPA has scheduled a public hearing concerning California's request and that EPA is accepting written comment on the request.

DATES: Written comments must be received on or before August 2, 2022.

Public Hearing: EPA plans to hold a virtual public hearing on June 29, 2022. This one hearing will also cover the notices for California's Omnibus Low NO_X Regulation, Docket No. EPA–HQ–OAR–2022–0332, and 2018 HD Warranty Amendments, Docket No. EPA–HQ–OAR–2022–0330. Additional information regarding the virtual public hearing and this action can be found at: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2022–0331, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred method). Follow the on-line instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave. NW, Room B108, Mail Code 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2022–0331. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Instructions: Direct your comments to Docket ID No EPA–HQ–OAR–2022–0331.

Instructions: All submissions received must include the Docket ID No. for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. For the full EPA public comment policy, information about Confidential Business Information (CBI) or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

The *http://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. 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, will be publicly available only in hard copy.

EPA has established a docket for this action under EPA–HQ–OAR–2022–0331. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave. NW, Washington, DC. Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only, and walk-ins are not allowed. Visitors to the Reading Room must complete docket material requests in advance and then make an appointment to retrieve the material. Please contact the EPA Reading Room staff at (202) 566–1744 or via email at *docket-customerservice@epa.gov* to arrange material requests and appointments. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and status, please visit us online at *https://www.epa.gov/*dockets.

EPA's Office of Transportation and Air Quality also maintains a web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices. The page can be accessed at *https://www.epa.gov/state-and-localtransportation/vehicle-emissionscalifornia-waivers-and-authorizations.* Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

Public Hearing. The virtual public hearing will be held on June 29, 2022. The hearing will begin at 9:00 a.m. Eastern Time (ET) and end when all parties who wish to speak have had an opportunity to do so. As noted above, this hearing will also cover the notices for California's Omnibus Low NO_X Regulation, Docket No. EPA–HQ–OAR–2022–0332, and the 2018 HD Warranty Amendments, Docket No. EPA–HQ–OAR–2022–0330. All hearing attendees (including those who do not intend to provide testimony and merely listen) should register at: *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg* by June 21, 2022. Please refer to *Instructions* in the **ADDRESSES** section and *Procedures for Public Participation* in the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing and public comment process.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Transportation and Climate Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Dickinson.David@epa.gov* or Kayla Steinberg, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Email: *Steinberg.Kayla@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. CARB's New Waiver Requests

CARB's December 20, 2021, letter to the Administrator notified EPA that CARB had finalized Advanced Clean Trucks (ACT), Zero Emission Airport Shuttle Bus (ZEAS), and Zero Emission Powertrain (ZEP) Certification regulations. The ACT regulation, adopted by the Board on January 26, 2021, requires that manufacturers produce and sell increasing quantities of medium- and heavy-duty zero-emission vehicles (ZEVs) and near zero emission vehicles (NZEVs) in California. These quantities are based on increasingly higher percentages of manufacturers' annual sales of on-road heavy-duty vehicles, beginning in the 2024 model year.[1] The ZEAS regulation, adopted by the Board on June 27, 2019, establishes steadily increasing zero-emission airport shuttle fleet composition requirements for airport shuttle fleet owners who service the thirteen largest California airports.[2] The ZEP Certification regulation, adopted by the Board on June 27, 2019, establishes certification requirements and optional emission standards for 2021 and subsequent model year medium- and heavy-duty ZEVs and the zero-emission powertrains installed in such vehicles.[3] CARB requests that EPA grant a new waiver for each of these regulations. CARB's request and waiver analysis includes ''a description of California's rulemaking actions, a review of the criteria governing EPA's evaluation of California's request for waiver action, [CARB's] analysis and rationale supporting [its] request, and supporting documents.'' [4] CARB's waiver analysis, set forth in its Waiver Request Support Document, addresses how each of its three regulations contained in the waiver request meet each of the three waiver criteria in section 209(b)(1) of the CAA.[5] For example, CARB explains how its regulations will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards and that no basis exists for the Administrator of EPA to find that CARB's determination is arbitrary and capricious under section 209(b)(1)(A) of the CAA.[6] CARB also explains how it continues to demonstrate California's need for a separate motor vehicle emission program, including the three regulations contained in its waiver request, under section 209(b)(1)(B) of the CAA.[7] Finally, CARB explains how the three regulations in its waiver request meet the requirement in section 209(b)(1)(C), which requires California's regulations to be consistent with section 202(a) of the CAA.[8]

II. Scope of Preemption and Criteria for a Waiver Under the Clean Air Act

Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b) of the Act requires the Administrator, after notice and

[1] The ACT regulation is set forth in title 13, California Code of Regulations (Cal. Code Regs.), sections 1963, and 1963.1 through 1963.5.

[2] The ZEAS regulation is comprised of new sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8, title 17, Cal. Code Regs.

[3] The ZEP Certification regulation is comprised of amendments to title 13, Cal. Code Regs., section 1956.8 and title 17, Cal. Code Regs., section 95663.

[4] Letter from Richard W. Corey, CARB, dated December 20, 2021, at p. 5, available at Docket No. EPA–HQ–OAR–2022–0331. The Waiver Request Support Document, attached to the letter from Mr. Corey, is available at Docket No. EPA–HQ–OAR–2022–0331.

[5] The Waiver Request Support Document provides a summary of the adopted regulation, a brief history of similar regulations, and an analysis of the adopted regulation under the waiver criteria in section 209(b)(1) of the CAA.

[6] Waiver Request Support Document at 19–21.

[7] Waiver Request Support Document at 21–30.

[8] Waiver Request Support Document at 30–39.

opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b).[9] Section 209(b)(1) requires the Administrator to grant a waiver unless he finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. Previous decisions granting waivers of Federal preemption for motor vehicles have stated that State standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time period or if the Federal and State test procedures impose inconsistent certification procedures.[10]

III. Request for Comment

When EPA receives new waiver requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then, after the comment period has closed, publishes a notice of its decision in the **Federal Register**. EPA invites comment on the following three criteria: whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act.

With regard to section 209(b)(1)(B), EPA must grant a waiver request unless the Agency finds that California ''does not need such State standards to meet compelling and extraordinary conditions.'' EPA has interpreted the phrase ''need[s] such State standards to meet compelling and extraordinary conditions'' to mean that California needs a separate motor vehicle program as a whole in order to address environmental problems caused by conditions specific to California and/or effects unique to California (the ''traditional'' interpretation).[11] EPA intends to use this traditional interpretation in evaluating California's need for the Advanced Clean Trucks, Zero Emission Airport Shuttle Bus, and Zero Emission Powertrain Certification regulations. EPA seeks comment on whether California needs the Advanced Clean Trucks, Zero Emission Airport Shuttle Bus, and Zero Emission Powertrain Certification regulations under section 209(b)(1)(B).

With regard to section 209(b)(1)(C), EPA must grant a waiver request unless the Agency finds that California's standards are not consistent with section 202(a). EPA has previously stated that consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, giving due consideration to costs, and that California and applicable Federal test procedures be consistent.[12] Included in, but not limited to, EPA's request for comment is what provisions in section 202(a) of the CAA are applicable to California due to the reference of section 202(a) in section 209(b)(1)(C).[13] EPA invites comment on how such provisions, to the extent they may be applicable to California, should be evaluated in the context of EPA's evaluation of CARB's waiver request under the criteria in section 209(b)(1)(C) of the CAA.

IV. Procedures for Public Participation

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please visit *https://usepa.zoomgov.com/webinar/register/WN_ByheDTzYSPuoGbv8J7yNwg.* The last day to pre-register to speak at the hearing will be June 21, 2022. If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by June 14, 2022. EPA may not be able to arrange accommodations without advance notice.

Each commenter will have 5 minutes to provide oral testimony. EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. EPA recommends submitting the text of your oral comments as written comments to the rulemaking docket. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

The Agency will make a verbatim record of the proceedings at the hearing and will be placed in the docket. EPA will keep the record open until August 2, 2022. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, relevant written submissions, and other information that she deems pertinent.

Persons with written comments containing proprietary information must distinguish such information from other comments to the greatest possible extent

[9] ''The language of the statute and its legislative history indicate that California's regulations, and California's determination that they comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them.'' *Motor and Equipment Mfrs. Ass'n* v. *EPA,* 627 F.2d 1095, 1121 (D.C. Cir. 1979).

[10] To be consistent, the California certification procedures need not be identical to the Federal certification procedures. California procedures would be inconsistent, however, if manufacturers would be unable to meet the state and the Federal requirements with the same test vehicle in the course of the same test. *See, e.g.,* 43 FR 32182 (July 25, 1978).

[11] *See, e.g.,* 81 FR 78149, 78153 (November 7, 2016); 81 FR 95982 95985–86 (December 29, 2016). EPA recently found and confirmed, in the Agency's reconsideration of a previous withdrawal of a waiver of preemption for CARB's Advanced Clean Car program, that the traditional interpretation of section 209(b)(1)(B) was appropriate and continues to be a better interpretation. 87 FR 14332, 14367 (March 14, 2022). CARB's December 21, 2021, waiver request addresses both the traditional and an alternative interpretation wherein the need for the specific standards in the waiver request would be evaluated.

[12] *See, e.g.,* 81 FR 78149, 78153–54 (''EPA has previously stated that the determination is limited to whether those opposed to the waiver have met their burden of establishing that California's standards are technologically infeasible, or that California's test procedures impose requirements inconsistent with the federal test procedure. Infeasibility would be shown here by demonstrating that there is inadequate lead time to permit the development of technology necessary to meet the 2013 HD OBD New or Stricter Requirements that are subject to the waiver request, giving appropriate consideration to the cost of compliance within that time.'' (citing 38 FR 30136 (November 1, 1973) and 40 FR 30311 (July 18, 1975)); 81 FR 95982, 95986 (December 29, 2016); 70 FR 50322 (August 26, 2005).

[13] For example, section 202(a)(3)(C) of the CAA provides: ''(C) Lead time and stability.—Any standard promulgated or revised under this paragraph and applicable to classes or categories of heavy-duty vehicles or engines shall apply for a period of no less than 3 model years beginning no earlier than the model year commencing 4 years after such revised standard is promulgated.'' *See also* 59 FR 48625 (September 22, 1994) and associated Decision Document at EPA–HQ–OAR–2022–0331; EPA's Notice of denial—Petition for Reconsideration of Waiver of Federal Preemption for California to Enforce Its NO_X Emission Standards and Test Procedures, 46 FR 22032 (April 15, 1981).

and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Sarah Dunham,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2022–12717 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9921–01–OA]

Request for Nominations for a Science Advisory Board Panel on BenMAP and Benefits Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office is expanding its request for nominations previously announced on April 5, 2022. The EPA SAB Staff Office previously requested nominations of scientific experts to form a panel to review EPA's new cloud-based Environmental Benefits and Mapping (BenMAP) tool, an open-source computer program that calculates estimated air pollution-related deaths and illnesses and their associated economic values. In that notice, the SAB Staff Office indicated its intention to announce a separate panel that would address the approach EPA takes for selecting and applying evidence in its $PM_{2.5}$ and Ozone (O_3) benefits assessments. Because the two panels would require substantially similar expertise, the SAB Staff Office has now determined that it is appropriate to combine them into a single panel with a more comprehensive charge. The Science Advisory Board Staff Office is soliciting additional candidates to complement those nominated for the review of BenMAP.

DATES: Nominations should be submitted by June 27, 2002 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and request for nominations may contact Dr. Bryan Bloomer, Designated Federal Officer (DFO), EPA Science Advisory Board via telephone/voice mail (202) 564–4222, or email at *bloomer.bryan@epa.gov.* General information concerning the EPA SAB can be found at *https://sab.epa.gov.* For information concerning EPA's technical support document, please contact Mr. Neal Fann via telephone/voice mail at (919) 541–0209 or email at *fann.neal@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Staff Office is forming an expert panel, the SAB BenMAP and Benefits Methods Panel, under the auspices of the Chartered SAB. The BenMAP and Benefits Methods Panel will provide advice through the chartered SAB. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB BenMAP and Benefits Methods Panel will conduct the review of EPA's BenMAP tool as described previously in 87 FR 19680–19681. BenMAP is an open-source computer program that calculates the number and economic value of air pollution-related deaths and illnesses. In addition, the SAB BenMAP and Benefits Methods Panel will review EPA's technical support document *Estimating $PM_{2.5}$- and Ozone-Attributable Health Benefits* as requested by the EPA's Office of Air and Radiation. Collectively, the SAB BenMAP and Benefits Methods Panel will review both EPA's approach for selecting and applying the evidence used to quantify and monetize air pollution-related effects and how the BenMAP tool performs these calculations. With today's notice, the SAB Staff Office is expanding its solicitation of April 5, 2022 (87 FR 19680–19681) so that a broader panel, the BenMAP and Benefits Methods Panel, can also review EPA's selection of human health endpoints, risk estimates and monetized values in an air pollution benefits assessment, as well as the agency's characterization of uncertainty inherent in EPA benefits assessments. These additional topics will be in combination with the panel's review of the BenMAP tool.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: air pollution epidemiology; biostatistics; risk assessment; demographics; public health data science; uncertainty analysis; and environmental economics, particularly, the valuation of benefits from pollution reductions. The SAB Staff Office is seeking nominees from the listed disciplines above, with expertise that emphasizes the health effects of air pollution and the development of economic values for reductions in air pollution.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership'' following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the SAB website (see the ''Nomination of Experts'' link under ''Current Activities'' at *https://sab.epa.gov*). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity. Nominations should be submitted in time to arrive no later than June 27, 2022.

The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that include the following: current position, educational background; research activities; sources of research funding for the last two years; and recent service on other

national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** Notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the panel on the SAB website at *https://sab.epa.gov.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov.* This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov.*

Thomas H. Brennan,

Director, Science Advisory Board Staff Office.

[FR Doc. 2022–12703 Filed 6–10–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0506 and OMB 3060–0938; FR ID 90817]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 PRA comments should be submitted on or before August 12, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0506.

Title: FCC Form 2100, Schedule 302–FM—FM Station License Application.

Form Number: FCC Form 2100, Schedule 302–FM.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 925 respondents; 925 responses.

Estimated Time per Response: 1–2 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 3,135 hours.

Total Annual Costs: $801,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Needs and Uses: The Commission adopted the *FM Broadcast Directional Antenna Performance Verification Order, FCC 22–38,* adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for FM antenna directional pattern verification by computer modeling. This represents an update from the previous requirement that an FM or LPFM directional antenna's performance be verified by the ''measured relative field pattern'' and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas. The Commission expects that this change in how the antenna manufacturer may validate its FM directional antenna studies would provide an FM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an FM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and full-service FM stations, the Commission is revising the relevant rules, 47 CFR 73.316 and 47 CFR 73.1690, and corresponding instructions, as follows:

Gives an FM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the FM directional antenna pattern prepared by the antenna's manufacturer, in lieu of measured pattern plots and tabulations derived from physical full-size or scale model antenna mockups.

In Section 73.316, specifies the information required in a license application filed for a station using an FM directional antenna, which opts to use computer modeling pattern verification. For example, the license application must include a statement from the engineer responsible for designing the antenna, performing the modeling, and preparing the antenna manufacturer's instructions for installation of the antenna, that identifies and describes the software used to create the computer model, the software tool(s) used in the modeling and the procedures applied in using the software. The statement should describe all radiating structures included in the model. It must also include a certification that the software executed normally without generating error messages or warnings.

Requires that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number.

The revisions to the relevant rules and corresponding Schedule 302–FM instructions listed above may potentially affect the substance, burden hours, and costs of completing the Schedule 302–FM. Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.

OMB Control Number: 3060–0938.

Title: Form 2100, Schedule 319—Low Power FM Station License Application.

Form Number: FCC Form 2100, Schedule 319.

Type of Review: Revision of a currently approved collection.

Respondents: Not-for-profit institutions, State, local or Tribal Government.

Number of Respondents and Responses: 200 respondents and 200 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 200 hours.

Total Annual Cost: $27,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Needs and Uses: The Commission adopted the FM Broadcast Directional Antenna Performance Verification Order, FCC 22–38, adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for LPFM antenna directional pattern verification by computer modeling. This represents an update from the previous requirement that an FM or LPFM directional antenna's performance be verified by the ''measured relative field pattern'' and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas. The Commission expects that this change in how the antenna manufacturer may validate its LPFM directional antenna studies would provide an LPFM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an LPFM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and LPFM stations, the Commission is revising the relevant rules, 47 CFR 73.316 and 47 CFR 73.1690, and corresponding instructions, as follows:

Gives an LPFM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the LPFM directional antenna pattern prepared by the antenna's manufacturer, in lieu of measured pattern plots and tabulations derived from physical full-size or scale model antenna mockups.

In Section 73.316, specifies the information required in a license application filed for a station using an LPFM directional antenna, which opts to use computer modeling pattern verification. For example, the license application must include a statement from the engineer responsible for designing the antenna, performing the modeling, and preparing the antenna manufacturer's instructions for installation of the antenna, that identifies and describes the software used to create the computer model, the software tool(s) used in the modeling and the procedures applied in using the software. The statement should describe all radiating structures included in the model. It must also include a certification that the software executed normally without generating error messages or warnings.

Requires that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number.

The revisions to the relevant rules and corresponding Form 2100, Schedule 319 (LPFM License Application) instructions listed above may potentially affect the substance, hours, and costs of completing the Schedule 319 (LPFM License Application). Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–12714 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 90341]

Open Commission Meeting Wednesday, June 8, 2022

June 2, 2022.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, June 8, 2022, which is scheduled to commence at 10:30 a.m.

Due to the current COVID–19 pandemic and related agency telework and headquarters access policies, this meeting will be in an electronic format and will be open to the public only on

the internet via live feed from the FCC's web page at *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Wireless Tele-Communications	*Title:* Facilitating Access to Spectrum for Offshore Uses and Operations (WT Docket No. 22–204). *Summary:* The Commission will consider a Notice of Inquiry seeking comment on whether changes in the Commission's rules and policies are needed to facilitate the development of commercial and private wireless networks offshore.
2	Public Safety & Homeland Security	*Title:* Improving Wireless 911 Call Routing (PS Docket No. 18–64). *Summary:* The Commission will consider a Public Notice to examine recent technological improvements to and deployments of location-based routing for wireless 911 calls, as well as steps the Commission could take to help reduce misrouted 911 calls.
3	Media	Title: Preserving Local Radio Programming (MB Docket No. 03–185). *Summary:* The Commission will consider a Notice of Proposed Rulemaking regarding a proposal to allow certain channel 6 low power television stations to continue to provide FM radio service as ancillary or supplementary service under specified conditions.
4	Enforcement	*Title:* Enforcement Bureau Action. *Summary:* The Commission will consider an enforcement action.
5	Wireline Competition	Title: Affordable Connectivity Program Transparency Data Collection (WC Docket No. 21–450). *Summary:* The Commission will consider a Notice of Proposed Rulemaking seeking comment on a statutorily mandated annual data collection relating to the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program from participating providers.

* * * * *

The meeting will be webcast with open captioning at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–12689 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 91318]

Deletion of Items From June 8, 2022 Open Meeting

June 8, 2022.

The following items were adopted and released by the Commission on June 6, 2022 and deleted from the list of items scheduled for consideration at the Wednesday, June 8, 2022, Open Meeting. These items were previously listed in the Commission's Sunshine Notice on Wednesday, June 1, 2022.

3	Media	Title: Preserving Local Radio Programming (MB Docket No. 03–185). Summary: The Commission will consider a Notice of Proposed Rulemaking regarding a proposal to allow certain channel 6 low power television stations to continue to provide FM radio service as ancillary or supplementary service under specified conditions.
5	Wireline Competition	Title: Affordable Connectivity Program Transparency Data Collection (WC Docket No. 21–450). Summary: The Commission will consider a Notice of Proposed Rulemaking seeking comment on a statutorily mandated annual data collection relating to the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program from participating providers.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–12690 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1022; FR ID 90627]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 PRA comments should be submitted on or before August 12, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1022.

Title: Sections 101.1403, 101.103(f), 101.1413, 101.1440, 101.1417 and 25.139 (MVDDS reporting, recordkeeping and third-party disclosures; NGSO FSS and DBS recordkeeping and third-party disclosures)

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 18 respondents; 2,238 responses.

Estimated Time per Response: 0.25 hour–40 hours.

Frequency of Response: Annual and on occasion reporting requirements; 5- and 10-years reporting requirements; third party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. 47 U.S.C. 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j).

Total Annual Burden: 5,316 hours.

Total Annual Cost: No cost.

Needs and Uses: This collection includes a Part 25 rule and various rules in Part 101 that govern record retention, reporting, and third-party disclosure requirements related to satellite and terrestrial sharing of the 12.2–12.7 GHz band. The satellite operators are Non-Geostationary Orbit Fixed Satellite Service (NGSO FSS) and Direct Broadcast Satellite (DBS) Service. The terrestrial operators are Multichannel Video Distribution and Data Service (MVDDS). The following information collected will assist the Commission in analyzing trends and competition in the marketplace. Section 25.139 requires NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared to enable MVDDS licensees to determine whether a proposed MVDDS transmitting antenna meets the minimum spacing requirement relative to qualifying, existing NGSO FSS subscriber receivers (set forth in § 101.129, FCC Rules). Section 101.1403 requires certain MVDDS licensees that meet the statutory definition of Multichannel Video Programming Distributor (MVPD) to comply with the broadcast carriage requirements located 47 U.S.C. 325(b)(1). Any MVDDS licensee that is an MVPD must obtain the prior express authority of a broadcast station before retransmitting that station's signal, subject to the exceptions contained in § 325(b)(2) of the Communications Act of 1934. Section 101.103(f) requires MVDDS licensees to provide notice of intent to construct a proposed antenna to NGSO FSS licensees operating in the 12.2–12.7 GHz frequency band and to establish and maintain an internet website of all existing transmitting sites and transmitting antenna that are scheduled for operation within one year including the ''in service'' dates. Section 101.1413, as a construction requirement, requires MVDDS licensees to file a showing of substantial service at five and ten years into the initial license term. Substantial service is defined as a ''service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal.'' The Commission set forth a safe harbor to serve as a guide to licensees in satisfying the substantial service requirement, as well as additional factors that it would take into consideration in determining whether a licensee satisfies the substantial service standard. Section 101.1440 requires MVDDS licensees to collect information and disclose information to third parties. Therefore, the reporting and disclosure requirements are as follows: Section 101.1440 requires MVDDS licensees to conduct a survey of the area around its proposed transmitting antenna site to determine the location of all DBS customers of record that may potentially be affected by the introduction of its MVDDS service. At least 90 days prior to the planned date of MVDDS commencement of operations, the MVDDS licensee must then provide specific information to the DBS licensee(s). Alternatively, MVDDS licensees may obtain a signed, written agreement from DBS customers of record stating that they are aware of and agree to their DBS system receiving MVDDS signal levels in excess of the appropriate Equivalent Power Flux Density (EPFD) limits. The DBS licensee must thereafter provide the MVDDS licensee with a list of only those new DBS customer locations that have been installed in the 30-day period following the MVDDS notification that the DBS licensee believes may receive harmful interference or where the prescribed EPFD limits may be exceeded. If the MVDDS licensee determines that its signal level will exceed the EPFD limit at any DBS customer site, it shall take whatever steps are necessary, up to and including finding a new transmitter site. Section 101.1417 requires MVDDS licensees to file an annual report. The MVDDS licensees must file with the Commission two copies of a ''licensee information report'' by March 1st of each year for the preceding calendar year. This ''licensee information report'' must include name and address of licensee; station(s) call letters and primary geographic service area(s); and statistical data for the licensee's station.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–12616 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0626; FR ID 90839]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as

required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 PRA comments should be submitted on or before August 12, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0626.

Title: Section 90.483, Permissible Methods and Requirements of Interconnecting Private and Public Systems of Communications.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business of other for-profit entities.

Number of Respondents and Responses: 100 respondents; 100 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirements; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

Total Annual Burden: 100 hours.

Annual Cost Burden: No cost.

Needs and Uses: When a frequency is shared by more than one system, automatic monitoring equipment must be installed at the base station to prevent activation of the transmitter when signals of co-channel stations are present and activation would interfere with communications in progress. Licensees may operate without the monitoring equipment if they have obtained the consent of all co-channel licensees located within a 120 kilometer (75 mile) radius of the interconnected base station transmitter. A statement must be submitted to the Commission indicating that all co-channel licensees have consented to operate without the monitoring equipment. This information is necessary to ensure that licensees comply with the Commission's technical and operational rules, and to prevent activation of the transmitter when signals of co-channel stations are present and could possibly interfere with communications in process.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–12686 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0157; FR ID 90345]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 PRA comments should be submitted on or before August 12, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0157.

Title: Section 73.99, Presunrise Service Authorization (PSRA) and Postsunset Service Authorization (PSSA).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 200 respondents; 200 responses.

Frequency of Response: Annual and on occasion reporting requirements.

Estimated Time per Response: 0.25 hours.

Total Annual Burden: 50 hours.

Total Annual Costs: $15,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Needs and Uses: The information collection requirements contained in 47 CFR 73.99(e) requires the licensee of an

AM broadcast station intending to operate with a presunrise or postsunset service authorization to submit by letter to the Commission the licensee's name, call letters, location, the intended service, and a description of the method whereby any necessary power reduction will be achieved. Upon submission of this information, operation may begin without further authority. The FCC staff uses the letter to maintain complete technical information about the station to ensure that the licensee is in full compliance with the Commission's rules and will not cause interference to other stations.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–12687 Filed 6–10–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Economic Inclusion; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Economic Inclusion. The Advisory Committee will provide advice and recommendations on initiatives to expand access to banking services by underserved populations. The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this meeting of the Advisory Committee on Economic Inclusion will be via a Webcast live on the internet. In addition, the meeting will be recorded and subsequently made available on-demand approximately two weeks after the event. To view the live event, visit *http://fdic.windrosemedia.com.*

DATES: Tuesday, June 28, 2022, from 1:00 to 5:00 p.m.

ADDRESSES: To view the recording, visit *http://fdic.windrosemedia.com/index.php?category=Advisory+Committee+on+Economic+Inclusion+-+(Come-IN).* If you require a reasonable accommodation to participate, please contact *DisabilityProgram@fdic.gov* or call 703–562–2096 to make necessary arrangements.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Debra A. Decker, Committee Management Officer of the FDIC at (202) 898–8748.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include updates from Committee members about key challenges facing their communities or organizations. There will also be panel discussions covering the Notice of Proposed Rulemaking to modernize the Community Reinvestment Act, and issues of equity in residential property valuation and appraisal. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: This meeting of the Advisory Committee on Economic Inclusion will be Webcast live via the internet *http://fdic.windrosemedia.com.* For optimal viewing, a high-speed internet connection is recommended.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 8, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–12658 Filed 6–10–22; 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 28, 2022.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261; or by email at *Comments.applications@rich.frb.org.*

1. *Richard T. Spurzem, Charlottesville, Virginia;* to acquire additional voting shares of Blue Ridge Bankshares, Inc., Charlottesville, Virginia, and thereby indirectly acquire Blue Ridge Bank, National Association, Martinsville, Virginia.

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034; or by email at *Comments.applications@stls.frb.org.*

1. *The James K. Maddox Irrevocable Trust, James K. Maddox, as trustee, and the Daniel R. Coffman Trust, Daniel R. Coffman, as trustee, all of Poplar Bluff, Missouri;* to acquire voting shares of Sterling Bancshares, Inc., and thereby indirectly acquire voting shares of Sterling Bank, both of Poplar Bluff, Missouri.

Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–12692 Filed 6–10–22; 8:45 am]

BILLING CODE P

GOVERNMENT ACCOUNTABILITY OFFICE

Request for Health Information Technology Advisory Committee (HITAC) Nominations

AGENCY: U.S. Government Accountability Office (GAO).

ACTION: Request for letters of nomination and resumes.

SUMMARY: The 21st Century Cures Act established HITAC to provide recommendations to the National Coordinator for Health Information Technology on policies, standards, implementation specifications, and certification criteria relating to the implementation of a health information technology infrastructure that advances the electronic access, exchange, and use of health information. The Act gave the Comptroller General of the United States responsibility for appointing a portion of HITAC's members. The Act requires that members at least reflect providers, ancillary health care workers, consumers, purchasers, health plans, health information technology developers, researchers, patients, relevant Federal agencies, and

individuals with technical expertise on health care quality, system functions, privacy, security, and on the electronic exchange and use of health information, including the use standards for such activity. GAO is now accepting nominations for HITAC appointments that will be effective January 1, 2023. Members serve 3-year terms, with the terms subject to renewal, for a total not to exceed 6 years of service on the committee. From these nominations, GAO expects to appoint at least 4 new HITAC members, focusing especially on patients or consumers, health care providers, ancillary health care workers, and individuals with technical expertise on health care quality, system functions, privacy, security, and on the electronic exchange and use of health information. Nominations should be sent to the email address listed below.

DATES: Letters of nomination and resumes should be submitted no later than July 22, 2022, to ensure adequate opportunity for review and consideration of nominees prior to appointment.

ADDRESSES: Submit letters of nomination and resumes to *HITCommittee@gao.gov.*

FOR FURTHER INFORMATION CONTACT: Shannon Legeer at (202) 512–3197 or *legeers@gao.gov* if you do not receive an acknowledgment within a week of submission or need additional information. For general information, contact GAO's Office of Public Affairs, (202) 512–4800.

Authority: Pub. L. 114–255, sec. 4003(e) (2016), 42 U.S.C. 300jj–12.

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2022–12499 Filed 6–10–22; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22GA; Docket No. CDC–2022–0076]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Expanding PrEP in Communities of Color (EPICC). The proposed study is designed to deliver training to health providers on implementation of evidence-based tools to enhance the providers' ability to engage in PrEP screening, counseling, initiation and to provide support for adherence and persistence, and to test the effectiveness of the EPICC intervention.

DATES: CDC must receive written comments on or before August 12, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0076 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Expanding PrEP in Communities of Color (EPICC)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP) is requesting approval for 36 months of a data collection titled Expanding PrEP in Communities of Color (EPICC). The purpose of this study is to implement and evaluate the effectiveness of a clinic-based intervention that utilizes evidence-based education and support tools to: 1. increase provider knowledge of and comfort with preexposure prophylaxis (PrEP) modalities in clinical practice, and 2. improve PrEP adherence among young men who have sex with men (YMSM).

This study has two aims: In Aim 1 the study team will deliver training to health providers that will focus on implementation of evidence-based tools to enhance the providers' ability to engage in PrEP screening, counseling, initiation and to provide support for adherence and persistence. For Aim 2a, the study will initiate an effectiveness-implementation trial with 400 YMSM to test the effectiveness of the EPICC+ intervention package in increasing PrEP adherence and persistence among YMSM. The intervention will also

utilize a mobile app-based platform, HealthMPowerment (HMP) to support ongoing participant engagement and monitoring, as well as to provide additional adherence support. In Aim 2b the study team will conduct focus groups with providers to gather feedback on overall perceptions of the barriers and facilitators to implementation of evidence-based tools (EBT) within their clinical site.

The information collected in this study will be used to: (1) describe real-world PrEP use including factors influencing selection and change of PrEP regimens; (2) understand and describe barriers and facilitators impacting the implementation of new PrEP modalities in clinical practice; (3) evaluate the feasibility and acceptability of the EPICC+ mobile app among YMSM on PrEP; and (4) evaluate the feasibility and acceptability of implementing a provider training.

This study will be carried out in 10 clinics located in Chicago, IL; New York City, NY; Philadelphia, PA; Charlotte, NC; Raleigh, NC; Tuscaloosa, AL; Montgomery, AL; Tampa, FL; Orlando, FL; and Houston, TX. Aim 1 will include 30 health care providers from the 10 clinic sites, all involved in the direct delivery of PrEP services. Providers may include but are not limited to medical doctors, nurses, adherence counselors, pharmacists, and social workers. Health providers will be recruited via staff emails.

Aim 2a participants will include 400 YMSM ages 18–39. Participants will identify as a cisgender male; report sex with a man in the past 12 months; have an active prescription for PrEP; receive care at one of the 10 participating study sites; provide a mailing address within the 50 states where packages can be received; have daily smartphone access; and be fluent in written/spoken English or Spanish. We will use purposive sampling to ensure at least 60% patient sample is African American or Black or Hispanic/Latino/Latinx. Patient participants will be recruited to the study using a combination of approaches including social media, referral and in-person outreach.

Quantitative and qualitative assessments will be used to collect information from providers and YMSM participants. For the Aim 1 provider training, assessments will include pre, post, 3-month, and 6-month surveys to evaluate provider information retention. Providers will also be asked to complete a brief survey at baseline, 3- and 6-months to assess their new patient interaction skills. For Aim 2a, YMSM participants will be asked to complete a baseline assessment and quarterly assessments at 3–, 6–, 9–, 12–, 15–, and 18-months to assess PrEP adherence; PrEP knowledge, usage and choice; sexual risk behaviors; HIV status of partners; and substance use assessment. A subset of YMSM participants from Aim 2a will be asked to complete an exit interview that will focus on understanding factors that influenced participants' selection of PrEP regimens, changes and/or discontinuations, as well as perceptions of the counseling they received by providers at PrEP initiation and follow-up, receipt of tools or materials that influenced choice and feasibility/acceptability of the HMP app. We will also conduct focus groups with providers in Aim 2b to gather feedback on overall perceptions of the barriers and facilitators to EBT implementation within their clinical site. The study will also collect data through from electronic health records; biological specimens collected at quarterly intervals; and a clinic assessment tool delivered every six months.

For the Aim 1 provider training, we estimate the collection of contact information will take five minutes. Pre-training, baseline and follow up surveys at 3- and 6-months will take approximately 15 minutes each to complete. Patient interaction assessments delivered at baseline, 3-, and 6-months will take approximately 15 minutes each to complete. For Aim 2a, the effectiveness-implementation trail, it is expected that 50% of YMSM screened will meet study eligibility. The initial screening will take five minutes to complete and the collection of contact information to take five minutes. The baseline assessment will take approximately 45 minutes to complete. The follow-up assessments will take 45 minutes to complete and will be administered quarterly for a total of six times during the 18-month follow up period. Study staff will assist participants to setup the HMP app, a process that will take 30 minutes. The patient exit interview takes approximately 60 minutes to complete and will be delivered one time to a subset of 48 YMSM participants. For the Aim 2b provider focus groups, we estimate it will take approximately five minutes to collect contact information and another five minutes to conduct the pre-focus group survey. Providers will attend one focus group that is expected to take 120 minutes to complete.

Total study enrollment for Aim 1 is 30, over the three-year study period the estimated annual enrollment is 10. Total enrollment for aim 2a is 400, over the three-year study period the estimated annual enrollment is 134. For the Aim 2a exit interview, 45 will participate for an annual enrollment of 15. For Aim 2b, total study enrollment is 48 and the estimated annual enrollment is 16. Additionally, a clinic staff member at each of the ten participating clinic sites will complete a clinic assessment form every six months throughout the study period.

The total number of burden hours is 2,055 across 36 months of data collection. The total estimated annualized burden hours are 685. There are no costs to the participant other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
General Public—Adults	Aim 1 Provider Contact Information	10	1	5/60	1
General Public—Adults	Aim 1 Provider Training Survey	10	4	15/60	10
General Public—Adults	Aim 1 Patient Interaction Assessment.	10	3	15/60	8
General Public—Adults	Aim 2a Participant Eligibility Screener.	268	1	5/60	23
General Public—Adults	Aim 2a Participant Contact Information.	134	1	5/60	12
General Public—Adults	Aim 2a Baseline Assessment	134	1	45/60	101
General Public—Adults	Aim 2a Quarterly Assessments	134	4	45/60	402
General Public—Adults	Aim 2a HMP App Setup	134	1	30/60	67

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
General Public—Adults	Aim 2a Exit Interview	15	1	1	15
General Public—Adults	Aim 2b Provider Focus Group Contact Information.	16	1	5/60	2
General Public—Adults	Aim 2b Provider Focus Group Survey.	16	1	5/60	2
General Public—Adults	Aim 2b Provider Focus Group Guide	16	1	2	32
General Public—Adults	Clinic Assessment	10	2	30/60	10
Total					685

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–12699 Filed 6–10–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–21FC]

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 ''Nurse Fatigue-Mitigation Education: Does it Change Nurse Sleep Behavior?'' 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 May 14, 2021 to obtain comments from the public and affected agencies. CDC received four 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

Nurse Fatigue-Mitigation Education: Does it Change Nurse Sleep Behavior?—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Many nurses in the United States work in around-the-clock healthcare facilities, providing necessary care to patients and the public. Providing these services requires nurses to work nonstandard hours, including shift work (*e.g.* early mornings, over-nights, rotating between days and nights) and long work hours. These work organizational characteristics are primary factors contributing to sleep-related fatigue, and decreased health and well-being for nurses. Studies have found 36% of healthcare workers (including nurses) report sleeping less than the recommended 7–9 hours of sleep/24 hours, with prevalence rates climbing to a little over 50% for those working night shift. This is concerning, as insufficient sleep not only increases the risk for a patient care error to occur but can also jeopardize the health of nurses.

In 2015, the National Institutes for Occupational Safety and Health (NIOSH) published a free, publicly available, online resource to address the risks associated with shift work and other nonstandard work hours. This program, ''Training for Nurses on Shift Work and Long Work Hours'' provides information to nurses, nurse managers and other interested healthcare workers on the health and safety risks associated with nonstandard work hours. In addition, the training provides strategies for improving sleep and reducing fatigue-related risks when working shift work in the healthcare setting.

Over five years have passed since the training was published online. Since then, the nursing workforce has faced a changing healthcare landscape. In response, the two studies in this project have been designed to evaluate the effectiveness of the NIOSH Training for Nurses at improving nurses' sleep and well-being, as well as assess the reach of training dissemination. This evaluation project will help NIOSH determine gaps in training distribution, identify needs to enhance training content and ensure the training is meeting its purpose.

This evaluation project consists of 2 studies.

Part 1: Part 1 goal is to provide a description of the registered nurses (RNs) who have already completed the

NIOSH ''Training for Nurses on Shift Work and Long Work Hours.'' Part 1 will be a secondary analysis of pre-existing CDC data from individuals who have received continuing professional licensing education credits following the NIOSH nurse training completion. There are no associated burden hours with Part 1 since data were previously collected by CDC.

Part 2: Part 2 goal is to evaluate the effectiveness of the NIOSH nurse training on objective (*i.e.,* sleep duration, efficiency, and timing with actigraphy watches) and subjective (*i.e.,* sleep quality, daytime sleepiness) sleep health measures, and self-reported well-being. Part 2 will be a field study requiring recruitment of 50 RNs to volunteer to participate. Recruitment will take approximately three months through online platforms and with assistance of the nursing and health care connections through the NIOSH Health Care and Social Assistance Program, and NIOSH subject matter experts.

During Part 2, NIOSH will collect data before and after RNs complete the NIOSH Training for Nurses. RNs enrolled in the Part 2 study will be asked to complete online surveys and wear an actigraphy watch during this study. Actigraphy watches are research grade sleep activity data collection instruments, similar to a wristwatch. Actigraphy watches will be supplied by NIOSH for participant use during the study. As part of baseline measures, RNs will be asked to complete an online survey with questions about demographics, workplace characteristics (*i.e.,* job tenure, shift length), sleep quality, daytime sleepiness, and well-being. In addition, RNs will be asked to wear an actigraphy watch and complete online daily sleep diaries for seven days.

One month after baseline measures, participants will be asked to take the NIOSH online nurse training. The training takes approximately 3.5 hours to complete and participants will have the opportunity to receive continuing education credits for professional licensure upon training completion. After the online nurse training, participants will answer four immediate post-training online questions regarding behavioral intention and feedback on the participant training experience. The participant will then be scheduled for the one-month post-training data collection period.

At each post-training follow-up period, participants will be asked to follow the same sampling protocol they completed at baseline: online survey (*i.e.,* sleep quality, daytime sleepiness, wellbeing) and seven-day actigraphy and sleep/wake diary. Participants will also be asked three open-ended questions about adopted behavior strategies to improve sleep, as well as facilitators and barriers to adoption.

Data collected during Part 2 will allow us to compare sleep and well-being measures at baseline with 1-, 3-, and 6-months post-training. We will also examine the relationship between nurse characteristics (*e.g.,* age, work tenure) and behavioral intention, and the relationship between behavioral intention and sleep health post-training at 1-month, 3-months, and 6-months.

CDC requests OMB approval for an estimated 341 annual burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Registered Nurses	Baseline Survey	50	1	23/60
	Online Nurses Training	50	1	3.5
	Immediate Post-Training Survey	50	1	7/60
	Post-Training (1-, 3-, and 6-month) Surveys	50	3	16/60
	Consensus Sleep Diary	50	4	21/60
	Actigraphy Watch Training	50	1	10/60
	Actigraphy Watch Fitting	50	4	7/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–12698 Filed 6–10–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22FZ; Docket No. CDC–2022–0075]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled mChoice: Improving PrEP Uptake and Adherence among Minority MSM through Tailored Provider Training and Adherence Assistance in Two High Priority Settings. The collection is part of a research study designed to implement and evaluate the effectiveness of an intervention that utilizes evidence-based education and support tools to improve preexposure prophylaxis (PrEP) adherence among young men who have sex with men (YMSM).

DATES: CDC must receive written comments on or before August 12, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0075 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal

(www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7118; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below. The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project:

mChoice: Improving PrEP Uptake and Adherence among Minority MSM through Tailored Provider Training and Adherence Assistance in Two High Priority Settings—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP) is requesting approval for 36 months of data collection entitled, ''mChoice: Improving PrEP Uptake and Adherence among Minority MSM through Tailored Provider Training and Adherence Assistance in Two High Priority Settings.'' The purpose of this study is to implement and evaluate the effectiveness of a clinic-based intervention that utilizes evidence-based education and support tools to improve preexposure prophylaxis (PrEP) adherence among young men who have sex with men (YMSM). The goals of this research study are to: (1) improve the overall PrEP experience of providers and YMSM patients; and (2) increase our understanding of provider and patient factors that influence the choice of PrEP regimen by MSM in clinical settings. This study will be carried out in four clinics located in New York, NY (NYC) (two clinics) and Birmingham, AL (two clinics).

Aim 1 of the study will enroll 400 YMSM (ages 18–39) who identify as male, non-binary, or genderqueer; were assigned male sex at birth; are taking or initiating PrEP; own a smartphone; understand and read English or Spanish; have a self-reported history of sex with men in the past 12-months; and live in the NYC or Birmingham, AL areas. Participants may identify as any race or ethnicity, but to ensure a diverse sample comprised mainly of racial/ethnic minority participants, the study will utilize recruitment controls to enroll at least 50% African American/Black and/or Hispanic/Latino participants. Patient participants will be recruited to the study through a combination of approaches including flyers and social media, referral, in-person outreach, and through word of mouth. Rolling enrollment will continue until enrollment targets are reached. Each Aim 1 participant will be followed for 12 months. All participants will receive PrEP clinical services congruent with CDC PrEP guidelines. Participants using oral PrEP will receive CleverCap, an electronic medication monitoring device, that will track and support medication adherence. At the three-month study visit, participants using oral PrEP will receive the mChoice mobile phone application, an evidence-based intervention that supports PrEP use through medication monitoring, study staff interaction, and other resources. Aim 1 assessments include: a baseline survey of self-reported demographic factors, sexual and drug use behaviors, and potential cofactors of sexual and drug use behavior including attitudes, beliefs, knowledge, traits, and other psychosocial factors; follow-up surveys at 3-, 6-, 9-, and 12-month study visits which will assess experiences with PrEP, PrEP adherence, and behavioral and social factors; medication adherence data from CleverCap; participant use and voluntary self-reported adherence and HIV exposure risk-related data from the mChoice app; PrEP clinical care data from clinic electronic medical records; and urine studies assessing PrEP adherence. The information collected in Aim 1 will be used to evaluate the effectiveness of the mChoice intervention to improve PrEP adherence and persistence, and to increase understanding of PrEP experiences and factors that influence PrEP choices among MSM in clinical settings.

Aim 2 of the study will enroll 30 YMSM who participated in Aim 1; 15 from New York and 15 from Alabama. Participants will be recruited at Aim 1 study visits. Study staff will conduct in-depth interviews with Aim 2 participants exploring their experiences with PrEP, reasons for PrEP choices, and thoughts about the mChoice intervention. Data collected in Aim 2 will contribute to the evaluation of the mChoice intervention, implementation, and contribute to understanding factors that influence PrEP choices by MSM in clinical settings.

Aim 3 of the study will include 20 health care providers (10 from New York and 10 from Alabama) involved in the direct delivery of PrEP services at participating clinical sites. Providers may include nurse practitioners, physicians, PrEP coordinators/navigators, medical assistants, and other cross-trained coordinators from the participating clinics. Providers will be recruited via flyers, emails to clinic staff, and referrals. Providers will receive education and training designed to improve knowledge of PrEP options and clinical recommendations and enhance provider communications with patients. Aim 3 includes practice facilitation, an intervention that includes identification of a clinic champion who will engage other providers in embracing PrEP recommendations, as well as ongoing support from a practice coach who will offer tools, resources, hands-on guidance, and content expertise to assist the clinic team in developing strategies to improve clinical PrEP services. Aim 3 assessments include notes from practice facilitation coaching sessions; in-depth interviews of participating

providers exploring their experiences with the intervention and thoughts about providing PrEP clinical services; and a clinic assessment completed by clinic staff every six months to describe the current implementation of PrEP services at their clinical site. These data will inform ongoing practice improvement in PrEP clinical services and increase understanding of provider experiences with providing PrEP clinical services.

It is expected that half of screened persons will meet study eligibility. For all Aims we anticipate that screening and completion of the locator form will each take five minutes. Study staff will assist Aim 1 participants with onboarding the CleverCap device and mChoice app, a process that will take 20 minutes. Aim 1 participants will complete the baseline survey once (anticipated 30 minutes completion time) and the follow-up survey four times (anticipated completion time 30 minutes each) over their 12-month participation period. Total study enrollment for Aim 1 is 400, over the three-year data collection period the estimated annual enrollment is 134. Aims 2 and 3 interviews will take 60 minutes to complete. For Aim 2, total study enrollment is 30, over the three-year data collection period the estimated annual enrollment is 10. For Aim 3, total study enrollment is 20, over the three-year data collection period the estimated annual enrollment is seven. Additionally, a single Aim 3 participant at each of the four participating clinic sites will complete a clinic assessment form every six months throughout the study period.

The total number of burden hours is 1,323 across 36 months of data collection. The total estimated annualized burden hours are 441. There are no costs to the participants other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Aim 1 participants—YMSM General public, adults.	Aim 1 Participant Eligibility Screener	268	1	5/60	22
Aim 1 participants—YMSM General public, adults.	Aim 1 Participant Locator Form	134	1	5/60	12
Aim 1 participants—YMSM General public, adults.	Aim 1 mChoice Onboarding Guide ..	134	1	20/60	45
Aim 1 participants—YMSM General public, adults.	Aim 1 Participant Baseline Survey ..	134	1	30/60	67
Aim 1 participants—YMSM General public, adults.	Aim 1 Participant Follow-up Survey	134	4	30/60	268
Aim 2 participants—YMSM General public, adults.	Aim 2 Participant Eligibility Screener	20	1	5/60	2
Aim 2 participants—YMSM General public, adults.	Aim 2 Participant Locator Form	10	1	5/60	1
Aim 2 participants—YMSM General public, adults.	Aim 2 Participant Interview Guide ...	10	1	1.0	10
Aim 3 participants—providers General public, adults.	Aim 3 Participant Eligibility Screener	14	1	5/60	2
Aim 3 participants—providers General public, adults.	Aim 3 Participant Locator Form	7	1	5/60	1
Aim 3 participants—providers General public, adults.	Aim 3 Participant Interview Guide ...	7	1	1.0	7
Aim 3 participant—clinic staff respondent, 1 per clinic site General public, adults.	Aim 3 Clinic Assessment	4	2	30/60	4
TOTAL	.....	.....	.....	.....	441

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–12697 Filed 6–10–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10237 and CMS–10407]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed

information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 12, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10237—Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits

CMS–10407—Summary of Benefits and Coverage and Uniform Glossary

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits; *Use:* Collection of this information is mandated by the Code of Federal Regulations, MMA, and CMS regulations at 42 CFR 422, subpart K, in ''Application Procedures and Contracts for Medicare Advantage Organizations.'' In addition, the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) further amended titles XVII and XIX of the Social Security Act.

This information collection includes the process for organizations wishing to provide healthcare services under MA plans. These organizations must complete an application annually (if required), file a bid, and receive final approval from CMS. The MA application process has two options for applicants that include (1) request for new MA product or (2) request for expanding the service area of an existing product. CMS utilizes the application process as the means to review, assess and determine if applicants are compliant with the current requirements for participation in the MA program and to make a decision related to contract award. This collection process is the only mechanism for organizations to complete the required MA application process. *Form Number:* CMS–10237 (OMB control number: 0938–0935); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 9,173. (For policy questions regarding this collection contact Keith Penn-Jones at 410–786–3104.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Summary of Benefits and Coverage and Uniform Glossary; *Use:* This information collection will ensure that over 30 million consumers shopping for or enrolled in private, individually purchased, or non-federal governmental group health plan coverage receive the consumer protections of the Affordable Care Act. Employers, employees, and individuals will use this information to compare coverage options prior to selecting coverage and to understand the terms of, and extent of medical benefits offered by, their coverage (or exceptions to such coverage or benefits) once they have coverage. *Form Number:* CMS–10407 (OMB control number 0938–1146); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 90,805; *Number of Responses:* 10,507,165; *Total Annual Hours:* 204,140. (For policy questions regarding this collection contact Daniel Kidane at *daniel.kidane@cms.hhs.gov.*)

Dated: June 7, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–12652 Filed 6–10–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10668 and CMS–10455]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our

burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 12, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10668 Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits

CMS–10455 Report of a Hospital Death Associated with Restraint or Seclusion

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; Quality Measures and Administrative Procedures for the Hospital-Acquired Condition Reduction Program; *Use:* The Centers for Medicare & Medicaid Services (CMS) is committed to promoting higher quality healthcare and improving outcomes for Medicare beneficiaries. The Hospital-Acquired Condition (HAC) Reduction Program is established by section 1886(p) of the Social Security Act, as added by Section 3008 of the Affordable Care Act (Pub. L. 111–148), and requires the Secretary to reduce payments to subsection (d) hospitals in the worst-performing quartile of all subsection (d) hospitals by 1 percent effective beginning on October 1, 2014 and subsequent years. For the FY 2025 program year we are proposing in the Fiscal Year (FY) 2023 Inpatient Prospective Payment System (IPPS)/Long-Term Care Hospital (LTCH) PPS proposed rule to suppress all six measures in the HAC Reduction Program and not calculate measure scores or Total HAC Scores for any hospital such that no hospital will receive a payment reduction due to the significant impacts of the COVID–19 pandemic on the quality measures. We are not proposing any policies in the FY 2023 IPPS/LTCH PPS proposed rule which result in a change to our estimated burden. To administer its requirements, the HAC Reduction Program relies on data collection established through the Centers for Disease Control and Prevention's (CDC) OMB control number, 0920–0666, and validation processes established through the Hospital Inpatient Quality Reporting (IQR) Program's OMB control number, 0938–1022. However, in the FY 2019 IPPS/LTCH PPS final rule, the Hospital IQR Program finalized the removal of the CDC National Healthcare Safety Network (NHSN) Healthcare-associated Infection (HAI) measures and NHSN HAI validation processes beginning on January 1, 2020. To continue validation of these measures, the HAC Reduction Program adopted validation templates similar to the ones previously used under the Hospital IQR Program. These templates continue the HAC Reduction Program's use and validation of NHSN HAI data.

The HAC Reduction Program identifies the worst-performing quartile of hospitals by calculating a Total HAC Score derived from the CMS Patient Safety and Adverse Events Composite (CMS PSI 90) and NHSN HAI measures, which require that we collect claims-based and chart-abstracted measures data, respectively. The HAC Reduction Program validates NHSN HAI data reported by subsection (d) hospitals to ensure that hospitals report correct NHSH HAI measure data, and the Total HAC Score is calculated using accurate data. The HAC Reduction Program may penalize any hospitals that fail validation by assigning the maximum Winsorized z-score for the set of measures that fail validation, for use in the Total HAC Score calculation. The collection of information for validation is necessary to ensure that the HAC Reduction Program and Total HAC Score are administered fairly.

The HAC Reduction Program will continue to receive NHSN HAI data for hospitals from CDC. Because the burden associated with submitting data for the HAI measures (CDI, CAUTI, CLABSI, MRSA, and SSI) is captured under a separate OMB control number, 0920–0666, we do not provide an independent estimate of the burden associated with collecting data for these measures for the HAC Reduction Program. We also do not provide an estimate of burden for the claims-based PSI 90 measure, because this measure is collected using Medicare FFS claims that hospitals are already submitting to the Medicare program for payment purposes. We also do not provide an estimate of burden for validation of data submitted for the PSI 90 measure, because Medicare claims are audited under the Medicare Fee for Service (FFS) Recovery Audit Program. *Form Number:* CMS–10668 (OMB control number: 0938–1352); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions) Federal Government, and State, Local or Tribal Governments; *Number of Respondents:* 400; *Total Annual Responses:* 400; *Total Annual Hours:* 28,800. (For policy questions

regarding this collection contact Jennifer Tate at 410–786–0428).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Report of a Hospital Death Associated with Restraint or Seclusion; *Use:* Provisions implementing this statutory reporting requirement for hospitals participating in Medicare are found at 42 CFR 482.13(g), as revised in the final rule that published on May 16, 2012 (77 FR 29034). This regulation also applies to Critical Access Hospitals (CAHs) with distinct part units (DPUs); since CAH DPUs are subject to the Hospital Conditions of Participation. The regulation at 42 CFR 482.13(g) requires that hospitals and CAHs with DPUs report deaths associated with the use of restraint and/or seclusion directly to the CMS locations. This regulation requires that information about patient deaths associated with the use of restraint and/or seclusion must be reported to the CMS Locations using the online CMS–10455 form titled ''*Report Of A Hospital Death Associated With The Use Of Restraint Or Seclusion.*''

When a death occurs in a hospital (including Critical Access Hospital (CAH) with a rehabilitation or psychiatric Distinct Part Unit (DPU)) that is associated with the use of restraints and/or seclusion, the hospital staff must complete the online Form CMS–10455 (42 CFR 482.13(g)(1). The hospital staff must also document the date and time that CMS was notified of the death in the patient's medical record (42 CFR 482.13(g)(3)(i).

When a death occurs during the use of 2-point soft cloth wrist restraints with no seclusion, or within 24 hours after the patient was removed from such restraints, the hospital must document the information required by 42 CFR 482.13(g)(4)(ii) into a hospital log or internal system within 7 days from the date of death (42 CFR 482.13(g)(4)(i). The hospital is not required to submit this log or internal records to the CMS Location, however, they must be made available in either written or electronic form to CMS immediately upon request (42 CFR 482.13(g)(4)(iii). In addition, the hospital staff must also document the date and time that the required information was entered into the hospital's log or internal system in the patient's medical record (42 CFR 482.13(g)(3)(ii). *Form Number:* CMS–10455 (OMB control number: 0938–1210); *Frequency:* Occasionally; *Affected Public:* Private Sector; *Number of Respondents:* 3,137; *Number of Responses:* 3,137; *Total Annual Hours:* 1,210. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

Dated: June 8, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–12721 Filed 6–10–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10520]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 13, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Marketplace Quality Standards; *Use:* The Patient Protection and Affordable Care Act establishes requirements to support the delivery of quality health care coverage for health insurance issuers offering Qualified Health Plans (QHPs) in Exchanges. Section 1311(c)(3) of the Patient Protection and Affordable Care Act directs the Secretary to develop a system to rate QHPs on the basis of quality and price and requires Exchanges to display this quality rating information on their respective websites. Section 1311(c)(4) of the Patient Protection and Affordable Care Act requires the Secretary to develop an enrollee satisfaction survey system to assess enrollee experience with each QHP (with more than 500 enrollees in the previous year) offered through an Exchange. Section 1311(h) requires QHPs to contract with certain hospitals that meet specific patient safety and health care quality standards.

This collection of information is necessary to provide adequate and timely health care quality information

for consumers, regulators, and Exchanges as well as to collect information to appropriately monitor and provide a process for a survey vendor to appeal HHS' decision to not approve a QHP Enrollee Survey vendor application. *Form Number:* CMS–10520 (OMB control number: 0938–1249); *Frequency:* Annually; *Affected Public:* Public sector (Individuals and Households); Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 314; *Total Annual Responses:* 314; *Total Annual Hours:* 384,014. (For policy questions regarding this collection contact Nidhi Singh Shah at 301–492–5110.)

Dated: June 7, 2022

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–12651 Filed 6–10–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0362]

Blood Pressure and Pulse Donor Eligibility Requirements: Compliance Policy; Draft Guidance for Industry; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; correction.

SUMMARY: The Food and Drug Administration (FDA or Agency) is correcting a notice that appeared in the **Federal Register** of Tuesday, May 24, 2022. The document announced the availability of a draft guidance entitled ''Blood Pressure and Pulse Donor Eligibility Requirements: Compliance Policy; Draft Guidance for Industry.'' The draft guidance document was published with incorrect information of a comment period due date. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 24, 2022 (87 FR 31567), in FR Doc. 2022–11118, on page 31567, the following correction is made:

1. On page 3156, in the first column, the **DATES** caption is corrected to read:

DATES: Submit either electronic or written comments on the draft guidance by July 25, 2022, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

Dated: June 3, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12619 Filed 6–10–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0686]

Advisory Committee; Science Advisory Board to the National Center for Toxicological Research; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the renewal of the Science Advisory Board to the National Center for Toxicological Research (NCTR) by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Science Advisory Board to the National Center for Toxicological Research for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the June 2, 2024, expiration date.

DATES: Authority for the Science Advisory Board to the National Center for Toxicological Research will expire on June 2, 2024, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Donna L. Mendrick, National Center for Toxicological Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2208, Silver Spring, MD 20993–0002, 301–796–8892, *Donna.Mendrick@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant and by the General Services Administration, FDA is announcing the renewal of the Science Advisory Board to the National Center for Toxicological Research (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee advises the Director, NCTR, in establishing, implementing, and evaluating research programs that assist the Commissioner in fulfilling his regulatory responsibilities. The Committee provides an extra-agency review in ensuring that the research programs at NCTR are scientifically sound and pertinent.

The Committee shall consist of a core of nine voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of toxicological research. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. Federal members will be appointed as Regular Government Employees or Ex-Officios. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees (normally not to exceed 10 members) to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members) or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking. Because of the size of the Committee and the variety in the types of issues that it will consider, FDA may, in connection with a particular committee meeting, specify a quorum that is less than a majority of the current voting members. The Agency's regulations (21 CFR 14.22(d)) authorize a committee charter to specify quorum requirements.

If functioning as a medical device panel, an additional non-voting representative member of consumer interests will be included in addition to the voting members.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/toxicological-research-science-advisory-board-national-center-toxicological-research/charter-science-advisory-board-national-center-toxicological-research* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: June 3, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12655 Filed 6–10–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0530]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tropical Disease Priority Review Vouchers

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by July 13, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0822. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–769–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tropical Disease Priority Review Vouchers

OMB Control Number 0910–0822—Extension

Section 524 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360n) is designed to encourage development of new drug or biological products for prevention and treatment of certain tropical diseases affecting millions of people throughout the world and makes provisions for awarding priority review vouchers for future applications to sponsors of tropical disease products. Section 524 of the FD&C Act serves to stimulate new drug development for drugs to treat a ''tropical disease'' (as defined in section 524(a)(3)) by offering additional incentives for obtaining FDA approval for pharmaceutical treatments for these diseases. Under section 524 of the FD&C Act, a sponsor of a ''tropical disease product application,'' as defined in section 524(a)(4), may be eligible for a voucher that can be used to obtain a priority review for any other application submitted under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) or section 351 of the Public Health Service Act (PHS Act).

Accordingly, we have developed the guidance for industry entitled ''Tropical Disease Priority Review Vouchers'' (available at *https://www.fda.gov/media/72569/download*). The guidance explains how FDA implements provisions of section 524 of the FD&C Act and how sponsors may qualify for a priority review voucher based on eligibility criteria set forth in the statute, how to use priority review vouchers, and how priority review vouchers may be transferred to other sponsors.

The guidance also communicates that, under the FDA Reauthorization Act of 2017, section 524 requires attestation by the sponsor of eligibility for a priority review voucher upon submission of the marketing application.

Description of Respondents: Sponsors submitting applications under section 505(b)(1) of the FD&C Act or section 351 of the PHS Act.

In the **Federal Register** of December 2, 2021 (86 FR 68503), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Information collection activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Priority Review Voucher Request	4	1	4	8	32
Notifications of Intent to Use a Voucher	2	1	2	8	16
Letters Indicating the Transfer of a Voucher Letter	2	1	2	8	16
Acknowledging the Receipt of a Transferred Voucher	2	1	2	8	16
Attestation of eligibility	4	1	4	2	8
Total					88

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on our evaluation of the information collection since last OMB review and approval, the burden estimate decreased based on receipt of fewer vouchers and other information collection activities. Our estimated burden for the information collection reflects an overall decrease of 34 hours

and a corresponding decrease of 5 responses.

Dated: June 6, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12622 Filed 6–10–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1222]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Labeling: Notification Procedures for Statements on Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by July 13, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0331. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling: Notification Procedures for Statements on Dietary Supplements—21 CFR 101.93

OMB Control Number 0910–0331—Extension

Section 403(r)(6) (21 U.S.C. 343(r)(6)) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) and § 101.93 (21 CFR 101.93) require that, no later than 30 days after the first marketing, we be notified by the manufacturer, packer, or distributor of a dietary supplement that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the FD&C Act. In accordance with these requirements, submissions must include: (1) the name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) the signature of a responsible individual or the person who can certify the accuracy of the information presented, and who must certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading.

Our electronic form (Form FDA 3955) allows respondents to the information collection to electronically submit notifications to FDA via the Food Applications Regulatory Management (FARM) system. Firms that prefer to submit a paper notification in a format of their own choosing will still have the option to do so; however, Form FDA 3955 prompts respondents to include certain elements in their structure/function claim notification (SFCN) described in § 101.93 in a standard electronic format and helps respondents organize their SFCN to include only the information needed for our review of the claim. Note that the SFCN, whether electronic or paper, is used for all claims made pursuant to section 403(r)(6) of the FD&C Act, including nutrient deficiency claims and general well-being claims in addition to structure/function claims. The electronic form, and any optional elements prepared as attachments to the form (*e.g.,* label), can be submitted in electronic format via FARM. Submissions of SFCNs will continue to be allowed in paper format. We use this information to evaluate whether statements made for dietary ingredients or dietary supplements are permissible under section 403(r)(6) of the FD&C Act.

Description of Respondents: Respondents to this collection of information include manufacturers, packers, or distributors of dietary supplements that bear section 403(r)(6) of the FD&C Act statements on their labels or labeling.

In the **Federal Register** of December 2, 2021 (86 FR 68504), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity; form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
101.93; Statements for Dietary Supplements; Form FDA 3955	3,690	1	3,690	0.75 (45 minutes)	2,768

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. This estimate is based on our experience with this information collection and the number of notifications received in the past 3 years, which has remained constant.

Dated: June 6, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12625 Filed 6–10–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1305]

Antimicrobial Drug Use in Companion Animals; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the notice that appeared in the **Federal Register** of February 16, 2022. In that notice, FDA requested comments on antimicrobial drug use practices in companion animals and the potential impacts of such uses on antimicrobial resistance in both humans and animals. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the notice published February 16, 2022 (87 FR 8848). Submit either electronic or written comments by September 14, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 14, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 14, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–1305 for ''Antimicrobial Drug Use in Companion Animals.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Barbara Leotta, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0605, *barbara.leotta@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 16, 2022, FDA published a notice with a 120-day comment period to request comments on antimicrobial drug use practices in companion animals and the potential impacts of such uses on antimicrobial resistance in both humans and animals. Comments on antimicrobial use practices in companion animals will inform FDA's strategy for promoting antimicrobial stewardship in companion animals.

Interested persons were originally given until June 16, 2022, to comment on the document. The Agency has received a request for a 90-day extension of the comment period. The request conveyed concern that the current 120-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the request for comments. FDA has

considered the request and is extending the comment period for the request for comments for 90 days, until September 14, 2022. The Agency believes that a 90-day extension allows adequate time for interested persons to submit comments.

Dated: June 7, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12621 Filed 6–10–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Listing of Members of the National Institutes of Health's Senior Executive Service 2022 Performance Review Board (PRB)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service 2022 Performance Review Board.

FOR FURTHER INFORMATION CONTACT: For further information about the NIH Performance Review Board, contact Mr. Kha Nguyen, Director, Division of Senior and Scientific Executive Management, Office of Human Resources, National Institutes of Health, Building 31, Room 1C31P, Bethesda, Maryland 20892, telephone 301.594.3022 (not a toll-free number), email *kha.nguyen@nih.gov.*

SUPPLEMENTARY INFORMATION: This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the NIH Performance Review Board, which oversees the evaluation of performance appraisals of NIH Senior Executive Service (SES) members:

Alfred Johnson, Chair
Michael Gottesman
Darla Hayes
Michael Lauer
Kathleen Stephan
Vicki Buckley
Rodney Rivera
Tara Schwetz

Dated: June 6, 2022.

Tara A. Schwetz,

Acting Principal Deputy Director, National Institutes of Health.

[FR Doc. 2022–12603 Filed 6–10–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: July 12, 2022.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G45, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Vanitha S. Raman, 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 3G45, Rockville, MD 20852, 301–761–7949, *vanitha.raman@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 7, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12665 Filed 6–10–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTL01000–L161000000.PN0000–223; MO #4500161643; MTM–89170–02]

Notice of Proposed Withdrawal and Public Meeting; Montana

Correction

In notice document 2022–12103 beginning on page 34289 in the issue of Monday, June 6, 2022, make the following correction:

On page 34290, in the first column, in the sixth paragraph, starting on the first line ''For a period until June 6, 2024 including location and entry under the United States mining laws, but not from leasing under the mineral leasing and mineral materials disposal laws, subject to valid existing rights, unless the application is denied or canceled, or the withdrawal is approved prior to that date.'' should read ''For a period until June 6, 2024, the public lands described earlier will be segregated from all forms of appropriation under the public land laws, including location and entry under the United States mining laws, but not from leasing under the mineral leasing and mineral materials disposal laws, subject to valid existing rights, unless the application is denied or canceled, or the withdrawal is approved prior to that date.''

[FR Doc. C1–2022–12103 Filed 6–10–22; 8:45 am]

BILLING CODE 1505–01–D

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1319]

Certain Electronic Devices and Semiconductor Devices With Timing-Aware Dummy Fill and Components Thereof; 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 April 22, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Bell Semiconductor, LLC of Bethlehem, Pennsylvania. The complaint was supplemented on May 6, 2022, May 13, 2022, and May 19, 2022 (as revised on May 25, 2022). The complaint, as supplemented, 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 electronic devices and semiconductor devices with timing-aware dummy fill and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,007,259 (''the '259 patent''). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests 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: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

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 7, 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 1–17 and 35–37 of the '259 patent, and whether an industry in the United States exists 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 ''semiconductor devices, and specifically undiced wafers, diced wafers, packaged chips and chipsets both attached and unattached to printed circuit boards; and end products incorporating such articles, specifically cellular telephones and tablet computers, personal computers, graphics cards, memory modules, radios, LIDAR modules, and amplifiers'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) 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 complainant is: Bell Semiconductor, LLC, One West Broad Street, Suite 901, Bethlehem, PA 18018,

(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:

NXP Semiconductors, N.V., 60 High Tech Campus, Eindhoven, Netherlands, 5656

NXP B.V., 60 High Tech Campus Eindhoven, Netherlands, 5656

NXP USA, Inc., 6501 William Cannon Drive West, Austin, TX 78735

SMC Networks, Inc. d/b/a/IgniteNet, 20 Mason, Irvine, CA 92618

Micron Technology, Inc., 8000 South Federal Way, Post Office Box 6, Boise, ID 83707

NVIDIA Corporation, 2788 San Tomas Expressway, Santa Clara, CA 95051

Advanced Micro Devices, Inc., 2485 Augustine Drive, Santa Clara, CA 05054

Acer, Inc., 1F, 88, Sec. 1, Xintai 5th Rd. Xizhi, New Taipei City 221, Taiwan

Acer America Corporation, 333 West San Carlos Street, Suite 1500, San Jose, CA 95110

Infineon Technologies America Corp., 640 N McCarthy Blvd., Milpitas, CA 95035

Analog Devices Inc., 1 Technology Way, Norwood, MA 02062

Bose Corporation, 100 The Mountain Road, Framingham, MA 01701

Marvell Technology Group, Ltd., Canon's Court, 22 Victoria Street, Hamilton HM 12, Bermuda

Marvell Semiconductor, Inc., 5488 Marvell Lane, Santa Clara, CA 95054

Suteng Innovation Technology Co., Ltd. d/b/a RoboSense, RoboSense Building, Block 1, South of Zhongguan Hongjualing Industrial District, No. 1213 Liuxian Avenue, Taoyuan Street, Nanshan District, Shenzen 518023, China

Kioxia Corporation, 3–1–21, Shibaura, Minato-ku, Tokyo 108–0023, Japan

Kioxia America, Inc., 2610 Orchard Pkwy., San Jose, CA 95134

Socionext Inc., Nomura Shin-Yokohama Bldg., 2–10–23 Shin-Yokohama, Kohoku-ku, Yokohama, Kanagawa, 222–0033, Japan

Socionext America, Inc., 2811 Mission College Blvd., 5th floor, Santa Clara, CA 95054

Qualcomm Technologies, Inc., 5775 Morehouse Drive, San Diego, CA 92121

Lenovo Group Ltd., No. 6 Chuang Ye Road, Shangdi Information Industry Base, Haidan District 100085, China

Motorola Mobility LLC, 222 W Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

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 complainant 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 7, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12684 Filed 6–10–22; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a teleconference meeting of the Advisory Committee on Actuarial Examinations (a portion of which will be open to the public) on July 7 and 8, 2022.

DATES: Thursday, July 7, 2022, from 9:00 a.m. to 5:00 p.m. (EDT), and Friday, July 8, 2022, from 8:30 a.m. to 5:00 p.m. (EDT).

ADDRESSES: The meeting will be held by teleconference.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, at (202) 317–3648 or *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet by teleconference on Thursday, July 7, 2022, from 9:00 a.m. to 5:00 p.m. (EDT), and Friday, July 8, 2022, from 8:30 a.m. to 5:00 p.m. (EDT).

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2022 Pension (EA–2L) and Basic (EA–1) Examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2022 Pension (EA–2F) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the May 2022 EA–2L and EA–1 Examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1:00 p.m. (EDT) on July 7, 2022 and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. (EDT). Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should contact the Designated Federal Officer at *nhqjbea@irs.gov* and include the written text or outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. Persons who wish to attend the public session should contact the Designated Federal Officer at *nhqjbea@irs.gov* to obtain teleconference access instructions. Notifications of intent to make an oral statement or to attend the meeting must be sent electronically to the Designated Federal Officer by no later than June 30, 2022. In addition, any interested person may file a written statement for consideration by the Joint Board and the Advisory Committee by sending it to *nhqjbea@irs.gov.*

Dated: June 7, 2022.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2022–12613 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—MLCommons Association

Notice is hereby given that, on May 10, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), MLCommons Association (''MLCommons'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, STMicroelectronics International NV, Geneva, SWITZERLAND; Neural Magic, Inc., Somerville, MA; HighFens Inc., Chelmsford, MA; Ryan Hileman (individual member), San Francisco, CA; Moffett AI Technology Shenzhen Co., Ltd., Los Altos, CA; Aamir Shafi (individual member), Columbus, OH; Institute of Automation, Chinese Academy of Sciences, Beijing, PEOPLE'S REPUBLIC OF CHINA; MosaicML, San Francisco, CA; Tri Dao (individual member), Mountain View, CA; and xFusion Digital Technologies Co., Ltd., Zhengzhou, PEOPLE'S REPUBLIC OF CHINA have joined as parties to this venture.

No other changes have been made in either the membership or planned activity of the research project. Membership in this group research project remains open and MLCommons intends to file additional written notifications disclosing all changes in membership.

On September 15, 2020, MLCommons filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2020 (85 FR 61032).

The last notification was filed with the Department on February 25, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 15, 2022 (87 FR 14575).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–12600 Filed 6–10–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium Americas

Notice is hereby given that, on May 18, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') has filed written notifications simultaneously with the Attorney General and the Federal Trade

Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Imandra, Inc., Austin, TX; and Tormach, Inc., Madison, WI, have been added as parties to this venture.

Also, Process Champ, LLC, Troy, MI, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RIC-Americas intends to file additional written notifications disclosing all changes in membership.

On April 30, 2014, RIC-Americas filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on March 24, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 12, 2022 (87 FR 29181).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–12599 Filed 6–10–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**. The following transactions were granted early termination—on the date indicated—of the waiting period provided by law and the premerger notification rules. The listing includes the transaction number and the parties to the transaction. The Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice made the grants. Neither agency intends to take any action with respect to this proposed acquisitions during the applicable waiting period.

EARLY TERMINATION GRANTED

06/03/2022		
20220800	G	General Dynamics Corporation; Walter P. Kitonis, III; Progeny Systems Corporation.
20212748	G	The Big Sky Trust; Welbilt, Inc.

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division, Department of Justice.

[FR Doc. 2022–12626 Filed 6–10–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on May 23, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ADAGA Solutions, Ltd, Calgary, CANADA; Alfahive, Inc., Mississauga, CANADA; Analog Devices, Inc., Chelmsford, MA; Avancier Limited, New Malden, UNITED KINGDOM; BusCorp Inc., Calgary, CANADA; C-Risk, Paris La Defense Cedex, FRANCE; Crystal Group, Hiawatha, IA; DUG Technology (Australia) Pty Ltd, Perth, AUSTRALIA; ETNIC—Fédération Wallonie-Bruxelles, Bruxelles, BELGIUM; Expeditionary Engineering, Inc, San Diego, CA; Geologix Limited, Norwich, UNITED KINGDOM; GeoSoftware C.V., The Hague, THE NETHERLANDS; Glex AS, Bergen, NORWAY; II–VI Aerospace & Defense, Inc., Murrieta, CA; ITT Cannon LLC, Irvine, CA; Kyndryl, New York, NY; Leonardo DRS, Arlington, VA; Lloyd's Register Digital Products Limited, Aberdeen, UNITED KINGDOM; Makel Engineering, Inc., Chico, CA; Nasuni Corporation, Boston, MA; Octo Security PTE LTD, Dubai, UNITED ARAB EMIRATES; Petroware AS, Stavanger, NORWAY; PIARA Inc., Pittsburgh, PA; Prores AS, Trondheim,NORWAY; Quantic Electronics, LLC, East Providence, RI; SARL SMARTEST, Ouled Fayet, ALGIERS; SI12 Technologies, Billerica, MA; The EOSYS Group, Inc., Smyrna, TN; Tracy A Barkhimer Acquisition Strategies & Consulting, LLC, White Salmon, WA; U.S. Army Project Manager, Positioning, Navigation and Timing (PM PNT), Aberdeen Proving Ground, MD; Variable Software, Inc., Denver, CO; VMWare Inc., Palo Alto, CA; Web Age Solutions Inc., Toronto, CANADA; and Wellsite Software LLC, Houston, TX, have been added as parties to this venture.

Also, Ascendant Engineering Solutions, Austin, TX; Beyond Limits, Inc., Glendale, CA; Buurst, Inc., Houston, TX; CCTI SAS Consultoria en Technologia, Bogota, COLOMBIA; D2IQ, Inc., San Francisco, CA; Data Gumbo Corporation, Houston, TX; Dawan, Nantes, FRANCE; Devoteam Consulting A/S, Copenhagen, DENMARK; Digital Business Consulting LLC; McKinney, TX; DRS Training & Control Systems, LLC, Fort Walton Beach, FL; DT360, Inc., Natick, MA; Dux Diligens S.A. de C.V., Mexico City, MEXICO; Energy Systems Catapult Limited, Birmingham, UNITED KINGDOM; HIMA Paul Hildebrandt GmbH, Houston, TX; IBISKA Telecom, Inc., Ottawa, CANADA; Infinite Dimensions Integration, Inc., West Plains, MO; Merck KGaA, Molsheim, FRANCE; Netmind SL, Barcelona, SPAIN; Perspecta Labs, Inc., Red Bank, NJ; Rapid Imaging Software, Inc., Albuquerque, NM; Real Time Automation Inc., Pewaukee, WI; Samson Aktieneegesellschaft, Frankfurt, GERMANY; SYSGO AG, Klein-Winternheim, GERMANY; University of Denver, Alexandria, VA; and Wavekoda, The Hague, THE NETHERLANDS, have withdrawn as parties to this venture.

Additionally, ABB Automation has changed its name to ABB AG, Minden, GERMANY; Cegal AS to CegalSYSCO AS, Stavanger, NORWAY; Spirit Energy Norway to Sval Energi AS, Stavanger, NORWAY and Perecon AS to Resbridge AS, Bergen, NORWAY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends

to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on March 2, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 15, 2022 (87 FR 14574).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–12606 Filed 6–10–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 19–24]

Gary A. Matusow, D.O.; Decision and Order

An official of the Drug Enforcement Administration (''Government'') issued an Order to Show Cause (OSC) seeking to deny the pending application for a Drug Enforcement Administration (DEA) Certificate of Registration of Gary Matusow, D.O. (''Respondent'').[1] After a hearing, the Administrative Law Judge (ALJ) recommended that Respondent's application be denied.[2] The Agency agrees with the ALJ's conclusion, and, for the reasons explained below, denies Respondent's application as inconsistent with the public interest under 21 U.S.C. 823(f).

I. Findings of Fact

On November 14, 2018, Respondent submitted an application for a DEA Certificate of Registration. GX 1. Respondent was previously registered with DEA to handle controlled substances but voluntarily surrendered this registration for cause. GX 9.

The Government and Respondent have agreed to fifty-eight stipulations, which are hereby incorporated into the record. *See* RD, at 41–47.

Respondent was previously employed as an osteopathic physician partner at a practice in New Jersey that he shared with a partner, Dr. M.[3] Between August 9, 2015, and January 8, 2017, Respondent filled (or refilled) prescriptions for controlled substances that were issued with Dr. M's DEA registration. Stip. 17–18. Respondent issued each of the prescriptions to himself by calling them into a pharmacy with Dr. M's name. Stip. 19. Respondent picked up each of the prescriptions from the pharmacy. Stip. 20. Respondent is not a patient of Dr. M and was not a patient of his when the prescriptions were issued. Stip. 21.

A. Allegations

The Government argues that Respondent's application for a new DEA registration should be denied because he displayed dishonesty in a number of ways and violated the law.[4] The Government has shown that Respondent obtained controlled substances for his personal use in violation of state law, but the Government's other allegations are not sustained.

1. Respondent Obtained Controlled Substances Without a Valid Prescription in Violation of State Law

The Government has alleged that Respondent violated N.J. Stat. Ann. § 2C:35–10 when he filled the controlled substance prescriptions issued under Dr. M's name and DEA registration number. Under N.J. Stat. Ann. § 2C:35–10, it is ''unlawful for any person, knowingly or purposely, to obtain . . . a controlled dangerous substance . . . unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice . . . .''

Respondent admits that he obtained controlled substances pursuant to prescriptions authorized by Dr. M and under Dr. M's DEA registration despite not being a patient of Dr. M. *See* Stip. 21. Respondent testified that when he asked Dr. M for authorization to call in the prescriptions under Dr. M's name, Respondent knew he should have been a patient of the practice and that the discussion between Respondent and Dr. M about his health issues should have been documented in a patient chart. Tr. 358–59; *see* N.J. Admin. Code § 13:35–7.1A (''[A] practitioner shall not dispense drugs or issue a prescriptions to an individual . . . without first having conducted an examination, which shall be properly documented in the patient record.''). Respondent also admitted that he knew the prescriptions did not comply with state and federal regulations. *See* Tr. 456–59. When asked if he believed Dr. M had taken ''those steps that you have to take before you prescribe controlled substances,'' Respondent responded that he did not and that he thought that he and Dr. M were both negligent. *Id.* at 456. He also testified that he knew the Dr. M prescriptions were ''off the books'' and that they exposed Dr. M to professional and potential criminal liability. *Id.* at 456–57.

Based on Respondent's admissions during the administrative hearing, the Agency finds that he knew the subject prescriptions were not valid prescriptions issued in the usual course of Dr. M's professional practice. Accordingly, the Agency finds that Respondent violated N.J. Stat. Ann. § 2C:35–10.

2. Allegation That Respondent Used Dr. M's DEA Registration To Fraudulently Obtain Controlled Substances

The Government has alleged that Respondent fraudulently obtained controlled substances by using Dr. M's DEA registration number without Dr. M's authorization in violation of federal law (21 U.S.C. 843(a)(3)) and state law (N.J. Stat. Ann. § 2C:35–10). Dr. M and Respondent gave conflicting testimony as to whether Dr. M authorized Respondent's use of Dr. M's registration to obtain these controlled substances. The ALJ was in the best position to observe the demeanor of the witnesses, and having considered his credibility determinations in light of the ''consistency and inherent probability of the testimony,'' the Agency adopts the ALJ's findings regarding Dr. M's and Respondent's testimony on this issue. *See Universal Camera Corp.* v. *NLRB,* 340 U.S. 474, 496 (1951); *see also* Tr. 242–43; RD, at 77–78, 85–88. Accordingly, the Agency finds no violation of these laws.[5]

[1] Administrative Law Judge Exhibit (ALJX) 1 (OSC).

[2] *See* Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (''Recommended Decision'' or ''RD''). Respondent filed Exceptions, but later asked to withdraw them. Resp Notice to Dismiss, at 2–3. The Agency is granting Respondent's request to withdraw his Exceptions, but declining Respondent's request to adopt the Recommended Decision and instead issuing a Final Order based on consideration of the record in its entirety.

[3] Stip. 14. Respondent's partner's name has been replaced with his initial.

[4] Govt Posthearing, at 3. In its Posthearing Brief, the Government also alleged that Respondent issued a prescription for phentermine, a controlled substance, in violation of N.J. Admin. Code § 13.35–7.5A(b) and 21 CFR 1306.04. This allegation is not sustained because its legal grounds were not properly noticed.

[5] The Government has also alleged that Respondent's conduct violated 21 U.S.C. 843(a)(2). Govt Posthearing, at 27. This provision was not fully briefed until after the RD. *See* Resp Exceptions, at 13–15; Govt Response to Resp Exceptions, at 11–15. The Agency declines to make a finding on this criminal violation because the factual record in this case has not been developed sufficiently to determine how section 843(a)(2) applies.

3. Allegation That Respondent Prescribed Controlled Substances After Agreeing To Cease Medical Practice

Respondent entered into a Consent Order with the New Jersey State Board of Medical Examiners (BME). *See* Stip. 32; GX 5. The Government alleges that Respondent prescribed in violation of this Consent Order, illustrating a lack of candor. Govt Posthearing, at 34; OSC, at 4–5. The Agency is not sustaining this allegation: the Government has not proven that Respondent had reached an agreement to cease the practice of medicine when he issued the prescriptions or that Respondent was less than candid with the BME regarding the prescriptions. GX 5, at 2; *see also* RD, at 95–96, 99–100.

4. Allegation That Respondent's Answers to Questions in his Application for Registration Displayed a Lack of Candor

The Government alleges that, on his application to DEA for a new registration, Respondent failed to fully explain the circumstances behind his voluntary surrender for cause of his previous registration, demonstrating an alleged lack of candor. OSC, at 4. After a review of Respondent's written statements in his application, the Agency agrees with the ALJ that the information Respondent disclosed was truthful. *See* RD, at 112–114. The lack of the omitted information does not make his response deceptively incomplete, and the Government's allegation thus is not sustained.[6]

II. Discussion

''The Attorney General shall register practitioners . . . to dispense . . . controlled substances . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). An application for a practitioner's registration may be denied if ''the issuance of such registration . . . would be inconsistent with the public interest.'' *Id.* In making this determination, the following factors are considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

Id. These factors are considered separately. *Robert A. Leslie, M.D.,* 68 FR 15,227, 15,230 (2003). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *David H. Gillis, M.D.,* 58 FR 37,507, 37,508 (1993).

A. Factor 1

Respondent entered into a Consent Order with the BME. *Supra* I.A.3; GX 5. While this is not a direct recommendation for purposes of Factor 1, it indicates a recommendation by the appropriate state entity on many of the allegations and evidence at issue here. *John O. Dimowo,* 85 FR 15,800, 15,810 (2020). It makes clear that the Board knew Respondent had called in prescriptions for controlled substance for himself using Dr. M's name.[7] It is not clear, however, what details regarding Respondent's self-prescribing were before the Board or the basis for the Board's disciplinary action in the Consent Order—although the multi-year requirement that Respondent be monitored by third parties does not indicate substantial trust in Respondent. For these reasons, the Consent Order is not dispositive of the public interest inquiry in this case, and although the Agency has considered the Order slightly in favor of Respondent, it is also minimized by the circumstances described above. *See John O. Dimowo,* 85 FR at 15,810–11.[8]

B. Factors 2 and 4

Evidence is considered under Public Interest Factors 2 and 4 when it reflects an applicant's compliance (or non-compliance) with laws related to controlled substances and experience dispensing them. Established violations of the Controlled Substances Act (CSA), DEA regulations, or other laws regulating controlled substances at the state or local level are cognizable when considering if a registration is consistent with the public interest. Here, Respondent violated N.J. Stat. Ann. § 2C:35–10. *Supra* I.A.1. This violation is most appropriately considered under Factor 4 and weighs against a finding that Respondent's application for a DEA registration is in the public interest, because the Government has proven that Respondent failed to comply with a state law related to controlled substances.[9]

C. Factor 5

Respondent has admitted to conduct that may threaten the public health and safety and is properly considered under Factor 5. Respondent believed it to be illegal to prescribe controlled substances to himself, Tr. 355, so instead he obtained casual, non-specific permission from his partner to prescribe himself controlled substances under his partner's registration. He did this with the knowledge that he and his partner had not established a legitimate doctor-patient relationship under state law. Respondent's conduct clearly circumvented the closed regulatory system established by the CSA and ''makes questionable [the Respondent's] commitment to the DEA statutory and regulatory requirements designed to protect the public from diversion . . . .'' *Net Wholesale,* 70 FR 24,626, 24,627 (2005). Respondent's admitted conduct is inconsistent with the public interest under Factor Five. 21 U.S.C. 823(f)(5).

D. Balancing of the Public Interest Factors

Respondent violated a state law related to controlled substances and committed other conduct that may threaten the public health and safety, weighing against finding that his registration would be in the public interest under Factors 4 and 5. The other public interest factors are inapplicable or do not weigh significantly for or against finding that Respondent's registration would be in the public interest. Thus, the Government established a *prima facie* case that Respondent's registration ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f).

III. Sanction

Where, as here, the Government has established grounds to deny an

[6] The Government also alleged that Respondent's answers on his registration application displayed a failure to accept responsibility for fraudulent use of Dr. M's registration, but, as explained, the record does not support a finding that Respondent fraudulently used Dr. M's registration to obtain controlled substances.

[7] Additionally, an investigator for the Board was present during the interview the DI had with Respondent and his attorney regarding the DEA's investigation in May 2017. Tr. 97.

[8] There is no evidence on the record that Respondent has a criminal conviction related to controlled substances. Accordingly, Factor 3 does not weigh for or against a finding that his application for registration is in the public interest. *See, e.g., Dewey C. MacKay, M.D.,* 75 FR 49,956, 49,973 (2010).

[9] Respondent has demonstrated substantial experience as a gastroenterologist since 1988. The Agency assumes that Respondent has prescribed legally because the Agency has not sustained allegations related to Respondent's dispensing of controlled substances. Accordingly, the Agency finds that Factor 2 does not weigh against Respondent's application.

application for a registration, the burden shifts to the respondent to show why he can be entrusted with the responsibility carried by a registration. *Garret Howard Smith, M.D.,* 83 FR 18,882, 18,910 (2018). When a registrant has committed acts inconsistent with the public interest, they must both accept responsibility and demonstrate they have undertaken corrective measures. *Holiday CVS LLC dba CVS Pharmacy Nos 219 and 5195,* 77 FR 62,316, 62,339 (2012) (internal quotations omitted). Trust is necessarily a fact-dependent determination based on individual circumstances; therefore, the Agency looks at factors, such as the acceptance of responsibility and the credibility of that acceptance as it relates to the probability of repeat violations or behavior and the nature of the misconduct that forms the basis for sanction, while also considering the Agency's interest in deterring similar acts. *See, e.g., Robert Wayne Locklear, M.D.,* 86 FR 33,738, 33,746 (2021). When a registrant fails to make the threshold showing of acceptance of responsibility, the Agency need not address the registrant's remedial measures.[10] *Daniel A. Glick, D.D.S.,* 80 FR 74,800, 74,810 (2015).

The Agency adopts the ALJ's finding, that while Respondent testified that what he did was inappropriate and that he ''wouldn't do it again,'' Tr. 458, he has not accepted full responsibility for his misconduct. RD, at 116. When asked about Dr. M's responsibility, Respondent answered, ''I think we were both negligent'' and ''it was carelessness on my part to even ask him.'' Tr. 456, 459.[11] The Respondent's characterizations of his misconduct minimized the seriousness of his actions. *See Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972.[12]

Respondent was not ignorant to his misdeeds. He knew self-prescribing using his own DEA registration would raise suspicion at the pharmacy, Tr. 355, so he decided, based on his knowledge as a DEA registrant, to self-prescribe using Dr. M's registration, presumably to evade detection. Respondent's actions also do not reflect a momentary lapse in judgment. He used Dr. M's registration to self-prescribe for over a year and a half. *See Noah David, P.A.,* 87 FR 21,165, 21,174 (2022); *see also Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,910 (2018) (collecting cases) (''The egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction.'') Therefore, as the ALJ stated, ''Respondent has lost a significant amount of trust and has failed to overcome that loss and demonstrate to the Agency that he can now be entrusted to maintain his [registration] in a lawful fashion.'' RD, at 118.[13]

Furthermore, specific and general deterrence weigh in favor of denial of Respondent's application. *Daniel A. Glick, D.D.S.,* 80 FR at 74,810. Given the egregious nature of Respondent's violations, a sanction less than denial would send a message to the current and prospective registrant community that compliance with core controlled-substance legal principles is not a condition precedent to receiving and maintaining a DEA registration.

As discussed above, to receive a registration when grounds for denial exist, a respondent must convince the Agency that his acceptance of responsibility and remorse are sufficiently credible to demonstrate that the misconduct will not reoccur and that he can be entrusted with a registration. Having reviewed the record in its entirety, the Agency finds that Respondent has not met this burden and orders the denial of the application for the certificate of registration at issue in this case, as contained in the Order below.

However, in light of the passage of time since the surrender of his previous registration, if Respondent can demonstrate that he will reliably treat his controlled substances registration with the respect that such a responsibility deserves and requires under the law, the Agency is instructing the Government to consider such facts in assessing any new application.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny DEA registration application No. W18122357C submitted by Gary Matusow, D.O. This Order is effective July 13, 2022.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 6, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022–12612 Filed 6–10–22; 8:45 am]

BILLING CODE 4410–09–P

[10] Here, although Respondent's Continuing Medical Education efforts were in excess of what New Jersey required, RD, at 38 (citing Tr. 414–15; RX 1), Respondent has not sufficiently convinced the Agency that he has accepted responsibility and can be entrusted with a registration.

[11] Respondent is credited for declining to pass blame to his former partner, given the animosity between the two.

[12] Respondent's actions were not ''negligent,'' nor were they mere ''carelessness''—they constitute criminal misconduct under New Jersey law.

[13] Respondent submitted letters and character testimony. RX 5–18. The letters are of limited weight because the Agency has limited ability to assess their actual credibility. *See Michael S. Moore, M.D.,* 76 FR 45,867, 45,873 (2011). They also do not appear to be written to recommend that Respondent be granted a registration and offer little value in assessing his suitability to discharge those duties. The character testimony is more relevant to the former partners' relationship and is viewed with caution given the ALJ's credibility findings. *See* RD, at 68–70. These references very minimally support Respondent's potential for rehabilitation.

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 13, 20, 27, July 4, 11, 18, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of June 13, 2022

Tuesday, June 14, 2022

10 a.m. Briefing on Human Capital and Equal Employment Opportunity (Contact: Nicole Newton: 301–415–8316)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Thursday, June 16, 2022

10 a.m. Briefing on Results of the Agency Action Review Meeting (Contact: Nicole Fields: 630–829–9570)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of June 20, 2022—Tentative

There are no meetings scheduled for the week of June 20, 2022.

Week of June 27, 2022—Tentative

There are no meetings scheduled for the week of June 27, 2022.

Week of July 4, 2022—Tentative

There are no meetings scheduled for the week of July 4, 2022.

Week of July 11, 2022—Tentative

There are no meetings scheduled for the week of July 11, 2022.

Week of July 18, 2022—Tentative

Thursday, July 21, 2022

9 a.m. Update on 10 CFR part 53 Licensing and Regulation of Advanced Nuclear Reactors (Contact: Greg Oberson: 301–415–2183)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 9, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–12774 Filed 6–9–22; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2022–0119]

Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS) that reminds licensees of the NRC requirement that prior to granting or reinstating unescorted access (UA) or certifying unescorted access authorization (UAA) to non-immigrant foreign nationals for the purpose of performing work, licensees shall validate that the foreign national's claimed non-immigration status is correct. This is important to ensure that individuals to whom a licensee intends to grant UA to nuclear power plant protected or vital areas or any individual for whom a licensee or applicant intends to certify UAA, are trustworthy and reliable such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

DATES: Submit comments by August 12, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0119. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark Resner, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–287–3680, email: *Mark.Resner@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0119 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0119.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Regulatory Issue Summary 2022–XX, ''Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants,'' is available in ADAMS under Accession No. ML22157A366.

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

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0119 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC, in collaboration with the Department of Homeland Security, has identified several instances where a licensee has failed to appropriately verify that the claimed non-immigration status of foreign nationals seeking UA and/or UAA is correct. Consequently, foreign nationals have been granted UA and UAA at United States nuclear power plants for the purpose of work using visa categories that do not permit foreign nationals to work in the United States.

The NRC issues RISs to communicate with stakeholders on a broad range of matters. This may include communication and clarification of NRC technical or policy positions on regulatory matters that have not been communicated to or are not broadly understood by the nuclear industry.

As noted in 83 FR 20858 (May 8, 2018), this document is being published in the Proposed Rules section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

III. Proposed Action

The NRC is requesting public comments on the draft RIS. All comments that are to receive consideration in the final RIS must be submitted electronically or in writing as indicated in the **ADDRESSES** section of this document. The NRC staff will make a final determination regarding issuance of the RIS after it considers any public comments received in response to this request.

Dated: June 7, 2022.

For the Nuclear Regulatory Commission.

Lisa M. Regner,

Chief, Generic Communications and Operating Experience Branch, Division of Reactor Oversight, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–12611 Filed 6–10–22; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request To Reinstate a Previous Approved Information Request, Claim for Unpaid Compensation for Deceased Civilian

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Merit System Accountability and Compliance, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a previously approved information collection request (ICR) 3206–0234, Standard Form 1153, Claim for Unpaid Compensation for Deceased Civilian Employee. As required by the Paperwork Reduction Act of 1995, as amended by the Clinger-Cohen Act, OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on February/16/2022 at Volume # 87 8881–8882 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 13, 2022. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Standard Form 1153, Claim for Unpaid Compensation for Deceased Civilian Employee, is used to collect information from individuals who have been designated as beneficiaries of the unpaid compensation of a deceased Federal employee or who believe that their relationship to the deceased entitles them to receive the unpaid compensation of the deceased Federal employee. OPM needs this information in order to adjudicate the claim and properly assign a deceased Federal employee's unpaid compensation to the appropriate individual(s).

Analysis

Agency: Merit System Accountability and Compliance, Office of Personnel Management.

Title: Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee.

OMB Number: 3206–0234.

Affected Public: Federal Employees and Retirees.

Number of Respondents: 3,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 750 hours.

U.S. Office of Personnel Management.

Kellie Cosgrove Riley,

Director, Office of Privacy and Information Management.

[FR Doc. 2022–12680 Filed 6–10–22; 8:45 am]

BILLING CODE 6325–58–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–64 and CP2022–70]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 15, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–64 and CP2022–70; *Filing Title:* USPS Request to Add Priority Mail Contract 744 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 7, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* June 15, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–12691 Filed 6–10–22; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service®.

ACTION: Notice of modified systems of records.

SUMMARY: The United States Postal Service® (Postal Service) is proposing to revise a Customer Privacy Act System of Records (SOR). This modification is being made to establish a new retention period for cloud-based mailpiece image storage, specific to the Informed Delivery® feature.

DATES: These revisions will become effective without further notice on July 13, 2022, unless in response to comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*privacy@usps.gov*). To facilitate public inspection, arrangements to view copies of any written comments received will be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service has determined that Customer Privacy Act System of Records, USPS 820.300 Informed Delivery, should be revised to implement a new retention period for cloud-based mailpiece image storage.

I. Background

The Postal Service has determined that Customer Privacy Act Systems of Records (SOR), USPS 820.300 Informed Delivery, should be revised to implement a new retention period of 14 days for cloud-based mailpiece image storage.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service constantly seeks to improve efficiency and customer satisfaction. The Postal Service recently revised this Informed Delivery System of Records to implement a new cloud-based storage solution for mail images. In consideration of comments received to this previous notice, a new retention period has been established relating specifically to the storage of these mailpiece images.

III. Description of the Modified System of Records

To implement the change to a cloud-based platform, this System of Records will be modified to include one new retention period of 14 days relating to the cloud-based storage of Informed Delivery mailpiece images.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The notice for USPS SOR 820.300, Informed Delivery is provided below in its entirety, as follows:

SYSTEM NAME AND NUMBER:

USPS 820.300, Informed Delivery®

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Headquarters; Contractor Sites; Cloud-based Contractor Sites; Wilkes-Barre Solutions Center; and Eagan, MN.

SYSTEM MANAGER(S):

Vice President, Innovative Business Technology, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1010.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To support the Informed Delivery® notification service which provides customers with electronic notification of physical mail that is intended for delivery at the customer's address.

2. To provide daily email communication to consumers with images of the letter-size mailpieces that they can expect to be delivered to their mailbox each day.

3. To provide an enhanced customer experience and convenience for mail delivery services by linking physical mail to electronic content.

4. To obtain and maintain current and up-to-date address and other contact information to assure accurate and reliable delivery and fulfillment of postal products, services, and other material.

5. To determine the outcomes of marketing or advertising campaigns and to guide policy and business decisions through the use of analytics.

6. To identify, prevent, or mitigate the effects of fraudulent transactions.

7. To demonstrate the value of Informed Delivery in enhancing the responsiveness to physical mail and to promote use of the mail by commercial mailers and other postal customers.

8. To enhance the customer experience by improving the security of Change of Address (COA) and Hold Mail processes.

9. To protect USPS customers from becoming potential victims of mail fraud and identity theft.

10. To identify and mitigate potential fraud in the COA and Hold Mail processes.

11. To verify a customer's identity when applying for COA and Hold Mail services.

12. To support the Targeted Offers application which enables customers to securely share their preferences related to marketing content with mailers.

13. To facilitate the in-person enrollment process for the Informed Delivery feature.

14. To provide customers with the option to voluntarily scan the barcode on the back of government issued IDs to capture name and address information that will be used to confirm eligibility and prefill information collected during the Informed Delivery in-person enrollment process.

15. To store and send Daily Digest emails through a cloud-based service platform.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Customers who are enrolled in Informed Delivery notification service.

2. Customers who are enrolled in Targeted Offers.

3. Mailers that use Informed Delivery notification service to enhance the value of the physical mail sent to customers.

4. Mailers that use Targeted Offers to conduct more targeted digital and physical prospecting campaigns based on consumer preferences.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Customer information:* Name; customer ID(s); mailing (physical) address(es) and corresponding 11-digit delivery point ZIP Code; phone number(s); email address(es); text message number(s) and carrier.

2. *Customer account preferences:* Individual customer preferences related Start Printed Page 2592 to email and online communication participation level for USPS and marketing information; and mail content preferences for Targeted Offers.

3. *Mailer Information:* Mailing Categories for mailers that use Targeted Offers.

4. *Customer feedback:* Information submitted by customers related to Informed Delivery notification service or any other postal product or service.

5. *Subscription information:* Date of customer sign-up for services through an opt-in process; date customer opts-out of services; nature of service provided.

6. *Data on mailpieces:* Destination address of mailpiece; Intelligent Mail barcode (IMb); 11-digit delivery point ZIP Code; and delivery status; identification number assigned to equipment used to process mailpiece.

7. *Mail Images:* Electronic files containing images of mailpieces captured during normal mail processing operations.

8. *User Data associated with 11-digit ZIP Codes:* Information related to the user's interaction with Informed Delivery email messages, including but not limited to, email open and click-through rates, dates, times, and open rates appended to mailpiece images (user data is not associated with personally identifiable information).

9. *Data on Mailings:* Intelligent Mail barcode (IMb) and its components including the Mailer Identifier (Mailer ID or MID), Service Type Identifier (STID) Serial Number, and unique IA code.

10. *In-Person enrollment process:* Name and address information collected from the voluntary scan of the barcode on the back of government issued IDs used to confirm eligibility and prefill enrollment information.

11. *Data associated with Informed Delivery emails:* Technical information related to email addresses and deliveries, including emails sent, emails received, errors, user data, account data, data related to the detection and mitigation of technical issues, and any other information necessary to the effective and efficient administration of services related to the Informed Delivery feature.

12. *Cloud service Accepted Audit Log:* Event, ID, Timestamp, Log Level, Method, Envelope Targets, Envelope Transports, Envelope Sender, Flags, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Message Recipients, Recipient Email Address, Size, Storage URL, Storage Key, Recipient Domain, Campaign, Tags, User Variables.

13. *Cloud service Accepted (Routed) Audit Log:* Event, ID, Timestamp, Log Level, Method, Route Expression, Route ID, Route Match Recipient, Envelope Targets, Envelope Transports, Envelope Sender, Flags- Is Routed, Flags- Is Authenticated, Flags- Is System Test, Flags Is Test Mode, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Message Recipients, Recipient Email Address, Message Size, Storage URL, Storage Key, Recipient Domain, Campaign, Tags, User Variables.

14. *Cloud service Delivered Audit Log:* Event, ID, Timestamp, Log Level, Method, Envelope Targets, Envelope Transports, Envelope Sender, Flags- Is Routed, Flags- Is Authenticated, Flags-

Is System Test, Flags Is Test Mode Delivery Status TLS, Delivery Status MX Host, Deliver Status Code, Delivery Status Description, Delivery Status Session Seconds, Delivery Status UTF8, Delivery Status Attempt Number, Delivery Status Message, Delivery Status Certificated Verified, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Recipient Email Address, Message Size, Storage URL, Storage Key, Recipient Domain, Campaign, Tags, User Variables.

15. *Cloud service Failed (Permanent) Audit Log:* Flags- Event, ID, Timestamp, Log Level, Severity, Reason, Envelope Targets, Envelope Transports, Envelope Sender, Is Routed, Flags Is-Routed, Flags- Is Authenticated, Flags- Is System Test, Flags Is Test Mode, Delivery Status Attempt Number, Delivery Status Message, Delivery Status Code, Delivery Status Description, Delivery Status Session Seconds, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Recipient Email Address, Message Size, Storage URL, Storage Key, Recipient Domain, Campaign, Tags, User Variables.

16. *Cloud service Failed (Permanent, Delayed Bounce) Audit Log:* Event, ID, Timestamp, Log Level, Severity, Reason, Delivery Status Message, Delivery Status Code, Delivery Status Description, Flags Is-Delayed-Bounce, Flags Is-Test-Mode, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Message Size, Recipient Email Address, Campaigns, Tags, User Variables.

17. *Cloud service Failed (Temporary) Audit Log:* Event, ID, Timestamp, Log Level, Severity, Reason, Envelope Transport, Envelope Sender, Envelope Sending IP Address, Envelope Targets, Flags Id-Routed, Flags Is-Authenticated, Flags Is-System-Test, Flags Is-Test-Mode, Delivery Status TLS, Deliver Status MX Host, Delivery Status Code, Delivery Status Description, Delivery Status Session Seconds, Delivery Status Retry Seconds, Delivery Status Attempt Number, Delivery Status Message, Delivery Status Certificate Verified, Message Headers, Message To, Message ID, Message From Email Address, Message Subject, Message Attachments, Message Size, Storage URL, Storage Key, Recipient Email Address, Recipient Domain, Campaigns, Tags, User Variables.

18. *Cloud service Unsubscribed Audit Log:* Event, ID, Timestamp, Log Level, Recipient Email Address, Geolocation Country, Geolocation Region, Geolocation City, Campaigns, Tags, User Variables, IP Address, Client Info Client Type, Client Info Client Operating System, Client Info Device Type, Client Info Client Name, Client Info User Agent, Message Headers, Message ID.

19. *Cloud service Complained Audit Log:* Event, ID, Timestamp, Log Level, Recipient Email Address, Tags, Campaigns, User Variables, Flags Is-Test-Mode, Message Headers, Message To, Message ID, Message From, Message Subject, Message Attachments, Message Size.

20. *Cloud service Stored Audit Log:* Event, ID, Timestamp, Log Level, Flags Is-Test-Mode, Message Headers, Message To, Message ID, Message From, Message Subject, Message Attachments, Message Recipients, Message Size, Storage URL, Storage Key, Campaigns, Tags, User Variables.

21. *Cloud service Rejected Audit Log:* Event, ID, Timestamp, Log Level, Flags Is-Test-Mode, Reject Reason, Reject Description, Message Headers, Message To, Message ID, Message From, Message Subject, Message Attachments, Message Size, Campaigns, Tags, User Variables.

RECORD SOURCE CATEGORIES:

Individual customers who request to enroll in the Informed Delivery feature notification service; *usps.com* account holders; other USPS systems and applications including those that support online change of address, mail hold services, Premium Forwarding Service, or P.O. Boxes Online; commercial entities, including commercial mailers or other Postal Service business partners and third-party mailing list providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database and computer storage media.

POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

By customer email address, 11-Digit ZIP Code and/or the Mailer ID component of the Intelligent Mail Barcode.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Mailpiece images will be retained up to 7 days (mailpiece images are not associated with personally identifiable information). Records stored in the subscription database are retained until the customer cancels or opts out of the service.

2. Cloud-based mailpiece images will be retained for 14 days.

3. User data is retained for 2 years, 11 months.

4. Records relating to Cloud Storage Audit Logs are retained for 13 months.

Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice. Any records existing on paper will be destroyed by burning, pulping, or shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computers and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption. Access is controlled by logon ID and password. Online data transmissions are protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedures below or Record Access Procedures above.

NOTIFICATION PROCEDURES:

Customers who want to know if information about them is maintained in this system of records must address inquiries in writing to the system manager. Inquiries must contain name, address, email, and other identifying information.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

March 17, 2022, 87 FR 15275; December 15, 2021, 86 FR 71299;

December 27, 2018, 83 FR 66768; August 25, 2016, *81 FR 58542.*

* * * * *

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–12607 Filed 6–10–22; 8:45 am]

BILLING CODE P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service®.

ACTION: Notice of a modified system of records; response to comments.

SUMMARY: The United States Postal Service® (USPS) is responding to public comments regarding revisions to a Customer Privacy Act Systems of Records (SOR). These revisions were made to support the migration of emails to a cloud-based platform. The response to the comments made herein warrant revision to the original system of records; as such, a new revision to USPS 820.300 Informed Delivery will be submitted adhering to the standard revision process to affect these changes.

DATES: The revisions to USPS 820.300, Informed Delivery, Document Citation 87 FR 15275, were originally scheduled to be effective on April 18, 2022, without further notice. After review and evaluation of comments received, the Postal Service has found that substantive changes to the system of records are required; however, these changes and only these changes will be reflected through publication of a new notice for changes to this system of records. The effective date for the implementation of the proposed revisions herein should proceed as scheduled, with revisions to the new publication subject to the dates appearing within that notice.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION:

1. *Comment 1:*[1] The Informed Delivery Service should have a retention period of seven (7) days versus fourteen (14) days.

Answer: The Postal Service's retention period of seven (7) days for the Informed Delivery Service was set with the publication of the original system of record, finalized December 9, 2016. See 81 FR 89157. No changes were made to this retention period in the current system of records update at issue. However, the Informed Delivery Program Office agrees to extend the retention period for mail piece images to fourteen (14) days when the application is migrated to a cloud-based infrastructure. In the interest of transparency, the Postal Service will submit an additional system of records notice to reflect this change. This new notice will supplement the existing submission for USPS 820.300 Informed Delivery by creating a new retention period specifically for mail images captured and stored within the cloud-based platform. However, no other provisions of this system of records will be affected and should be considered implemented as of the date listed above.

2. *Comment 2:*[2] Recommending changes to Purpose 9 and the creation of two new purposes that are directly related to the United States Inspection Service and the United States Office of Inspector General.

Answer: The Office of Inspector General requests that Purpose 9 be edited to include the word mail theft. Additionally, it is requested that Purposes 16 and 17 be created specifically for the Inspection Service and the Office of Inspector General so that both entities may use the records for respective investigations.

The Privacy Act requires that an agency only maintain records that are ''relevant and necessary to accomplish a purpose of the agency.'' *See* 5 U.S.C. 552a(e)(1). Individuals are notified of the purposes for which the information is collected and used. *See* 5 U.S.C. 552a(e)(3) and (4). The purposes for the system and the use of the information gathered by the Informed Delivery System is to support electronic notification of mail delivery and other mail delivery purposes. No information in this system can go so far as to show mail theft. The Informed Delivery Service provides the consumer with images of mail that would be delivered that day. If the mail is not delivered, the customer can check a box in the Informed Delivery dashboard and note to USPS that a particular piece has not been received. At best that provides evidence of missing or delayed mail. Showing and identifying mail theft would be a much later determination, with more information, most of which would not be within the Informed Delivery system. We understand that the Office of Inspector General would like to use the information for that purpose. However, purposes one and two, that cover mail that customers should have received and associated reports of mail not received, suit that purpose. The Office of Inspector General may use the missing or delayed mail information to compile it with other information to determine if theft is an issue.

When requesting that additional purposes should be articulated for this system of records to allow Office of Inspector General and Inspection Service investigations, the Office of Inspector General misunderstands the Privacy Act's disclosure intent. The purpose of the Informed Delivery Service is not to allow investigations. What the Office of Inspector General seeks is, instead, to enable certain disclosures of the information within the system of records. Authorized disclosures are not found within the purposes for gathering or using the information. Instead, authorized disclosures are found in section b of the Privacy Act. 5 U.S.C. 552a(b) Conditions of Disclosure. The Privacy Act provides that ''those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties'' may have access. *Id.* In some instance, this provision may provide Inspection Service employees with access to records. In addition, other authorized disclosures already exist for this SOR that cover disclosure to the Office of Inspector General and/or the Inspection Service. The next applicable authorized disclosure of the Privacy Act allows for disclosures pursuant to routine uses. The Postal Service has a routine use to provide records for a law enforcement purpose. *See* AS–353, Guide to Privacy, the Freedom of Information Act, and Records Management, Appendix D.2.2. This disclosure includes customer systems because the Inspector General Act of 1978, as amended, requires certain disclosures. Another authorized disclosure of criminal or civil law enforcement activity exists within the Privacy Act. See 5 U.S.C. 552a(b)(7). Following a written request, certain information can be disclosed for law enforcement purposes. Because authorized disclosures apply to provide the information, new purposes are not necessary or appropriate in this instance.

3. *Comment 3:*[3] The Office of Inspector General asks a question

[1] In response to comments, entitled ''Public Comment on SORN for Informed Delivery FR Doc. 2022–05654,'' submitted by the United States Postal Service Office of Inspector General.

[2] In response to comments, entitled ''Public Comment on SORN for Informed Delivery FR Doc. 2022–05654,'' submitted by the United States Postal Service Office of Inspector General.

[3] In response to comments, entitled ''Public Comment on SORN for Informed Delivery FR Doc.

Continued

regarding whether third party disclosure of information is permitted in order to pursue an investigation. Additionally, in this comment the Office of Inspector General requests a routine use allowing third party disclosure of information pursuant to an investigation.

Answer: The question posed by the Office of Inspector General is whether the disclosure of some information from this SOR to the Office of Inspector General authorizes them to ''share Informed Delivery information with third parties to investigate the customer's complaint.'' Unfortunately, this request is for a generalized legal opinion, absent the factual support of a scenario. Such an opinion cannot be provided.

As discussed in response to comment number 2, three authorized disclosures already exist that allow information to be shared for law enforcement purposes. However, merely being authorized to provide the data to the Office of Inspector General does not end the inquiry. An independent inquiry must be made of whether this particular third party has a need to know the information. Determining the need to know of a particular party is a fact specific determination. As a result, the need to know for a particular class of individuals, absent knowledge of the particular factual circumstances, cannot be answered in the abstract.

The request for a generalized routine use to further disclose information disclosed from a system of record pursuant to a different routine use, to a generalized class of individuals is equally untenable. It is not possible to ensure that the entire class is appropriate for disclosure. As a result, the class does not comport with the strictures required by the Privacy Act and cannot be entertained.

4. *Comment 4:*[4] The Office of Inspector General asks two questions to ascertain whether mailpiece images are personally identifiable information as defined in the Privacy Act.

Answer: To fully respond to this question, it is necessary to discuss the exact nature of a record that would be subject to the Privacy Act. A record is subject to the Privacy Act if it is a ''record which is contained in a system of records.'' 5 U.S.C. 552a(b).

A record is an ''item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.'' 5 U.S.C. 552a(a)(4).

A system of records is ''a group of any records under the control of any agency from which information is *retrieved* by the name of the *individual or by some identifying number, symbol, or other identifying particular* assigned to the individual.'' 5 U.S.C. 552a(a)(5) (emphasis added).

Therefore, to be subject to the Privacy Act, data must be a record and stored in a system of record.

Looking at mailpieces, the answer is two-fold. When mailpiece images are within the Informed Delivery System, those mailpiece images are records stored in a system of records. Mailpiece images are provided to the individual, with a Customer Registration and Informed Delivery account, who will be receiving the physical mailpiece. The mailpiece images are directly related to the delivery point associated to the accounts. Delivery points associated with accounts are retried by personal identifier and they are subject to the Privacy Act.

When the mailpiece images are not within the Informed Delivery Service, they are stored in bulk with the mail-processing equipment. Those images are not stored or retrieved by personal identifier. It is not until they are associated with the Informed Delivery Service that they become retrievable by personal identifier. As a result, when the mailpiece images are in bulk storage, they are not records subject to the Privacy Act.

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–12605 Filed 6–10–22; 8:45 am]

BILLING CODE P

2022–05654,'' submitted by the United States Postal Service Office of Inspector General.

[4] In response to comments, entitled ''Public Comment on SORN for Informed Delivery FR Doc. 2022–05654,'' submitted by the United States Postal Service Office of Inspector General.

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Employee Representative's Status and Compensation Reports; OMB 3220–0014.

Under Section 1(b)(1) of the Railroad Retirement Act (RRA) (45 U.S.C. 231b), the term ''employee'' includes an individual who is an employee representative. As defined in Section 1(c) of the RRA, an employee representative is an officer or official representative of a railway labor organization other than a labor organization included in the term ''employer,'' as defined in the RRA, who before or after August 29, 1935, was in the service of an employer under the RRA and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, or, any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his or her office. The requirements relating to the application for employee representative status and the periodic reporting of the compensation resulting from such status is contained in 20 CFR 209.10.

The RRB utilizes Form DC–2, *Employee Representative's Report of Compensation,* to obtain the information needed to determine employee representative status and to maintain a record of creditable service and compensation resulting from such status. Completion is required to obtain or retain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (87 FR 19538 on April 4, 2022) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Employee Representative's Status and Compensation Reports.

OMB Control Number: 3220–0014.

Form(s) submitted: DC–2.

Type of request: Extension without change of a currently approved collection.

Affected public: Private Sector; Businesses or other for-profits.

Abstract: Benefits are provided under the Railroad Retirement Act (RRA) for individuals who are employee representatives as defined in section 1 of the RRA. The collection obtains information regarding the status of such individuals and their compensation.

Changes proposed: The RRB proposes no changes to Form DC–2.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
DC–2	82	30	41
Total	82		41

2. *Title and purpose of information collection:* Application for Survivor Insurance Annuities; OMB 3220–0030.

Under Section 2(d) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children, and in certain cases, divorced spouses, mothers (fathers), remarried widow(er)s, and grandchildren of deceased railroad employees if there are no qualified survivors of the employee immediately eligible for an annuity. The requirements relating to the annuities are prescribed in 20 CFR 216, 217, 218, and 219.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, a survivor annuity the RRB uses Forms AA–17, *Application for Widow(er)'s Annuity;* AA–17b, *Applications for Determination of Widow(er)'s Disability;* AA–18, *Application for Mother's/Father's and Child's Annuity;* AA–19, *Application for Child's Annuity;* AA–19a, *Application for Determination of Child's Disability;* AA–20, *Application for Parent's Annuity,* and electronic Forms AA–17cert, *Application Summary and Certification* and AA–17sum, *Application Summary.*

The on-line automated survivor annuity application (Forms AA–17, AA–18, AA–19, and AA–20) process obtains information about an applicant's marital history, work history, benefits from other government agencies, and Medicare entitlement for a survivor annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the system generates, for the applicant's review, either Form AA–17cert or AA–17sum, which provides a summary of the information that the applicant provided or verified. Form AA–17cert, *Application Summary and Certification,* requires a tradition pen and ink ''wet'' signature. Form AA–17sum, *Application Summary,* documents the alternate signing method called ''Attestation,'' which is an action taken by the RRB representative to confirm and annotate in the RRB records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is correct; and (3) the applicant's agreement to sign the application by proxy. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of the appropriate form is used. One response is requested of each respondent. Completion of the forms is required to obtain a benefit.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (87 FR 19538 on April 4, 2022) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application for Survivor Insurance Annuities.

OMB Control Number: 3220–0030.

Form(s) submitted: AA–17b, AA–17cert, AA–17sum, and AA–19a.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2(d) of the Railroad Retirement Act, monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children, and in certain cases, divorced wives (husbands), mothers (fathers), remarried widow(er)s and grandchildren of deceased railroad employees. The collection obtains information needed by the RRB to determine entitlement to and the amount of the annuity applied for.

Changes proposed: The RRB proposes no changes to forms AA–17b, AA–17cert, AA–17sum, and AA–19a.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–17 Application Process:			
AA–17cert	900	20	300
AA–17sum	2,100	19	665
AA–17b:			
(With assistance)	250	45	188
(Without assistance)	20	55	18
AA–19a:			
(With assistance)	200	45	150
(Without assistance)	15	65	16
Total	3,485		1,337

3. Title and Purpose of information collection: Nonresident Questionnaire; OMB 3220–0145.

Under Public Laws 98–21 (45 U.S.C. 410) and 98–76 (45 U.S.C.231t), benefits under the Railroad Retirement Act payable to annuitants living outside the United States may be subject to taxation under United States income tax laws. Whether the social security equivalent and non-social security equivalent portions of Tier I, Tier II, vested dual benefit, or supplemental annuity payments are subject to tax withholding, and whether the same or different rates are applied to each payment, depends on a beneficiary's citizenship and legal residence status, and whether exemption under a tax treaty between the United States and the country in which the beneficiary is a legal resident has been claimed. To effect the required tax withholding, the Railroad Retirement Board (RRB) needs to know a nonresident's citizenship and legal residence status.

To secure the required information, the RRB utilizes Form RRB–1001, *Nonresident Questionnaire,* as a supplement to an application as part of the initial application process, and as an independent vehicle for obtaining the needed information when an annuitant's residence or tax treaty status changes. One response is requested of each respondent. Completion is voluntary.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (87 FR 19539 on April 4, 2022) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Nonresident Questionnaire.
OMB Control Number: 3220–0145.
Forms submitted: RRB–1001.
Type of request: Extension without change of a currently approved collection.
Affected public: Individuals or Households.
Abstract: Under the Railroad Retirement Act, the benefits payable to an annuitant living outside the United States may be subject to withholding under Public Laws 98–21 and 98–76. The form obtains the information needed to determine the amount to be withheld.
Changes proposed: The RRB proposes no changes to Form RRB–1001.
The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
RRB–1001 (Initial Filing)	300	30	250
RRB–1001 (Tax Renewal)	1,000	30	400
Total	1,300		650

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov.*

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.

Brian Foster,

Clearance Officer.

[FR Doc. 2022–12700 Filed 6–10–22; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95061; File No. SR–NYSE–2022–23]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change for Amendments to the Exchange's Rules Regarding Continuing Education Requirements

June 7, 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 25, 2022, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to the Exchange's rules regarding continuing education requirements (Rule 345A) applicable to members or member organizations. The proposed rule change also makes conforming amendments to the Exchange's rules regarding registration requirements (Rule 1210). Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its continuing education requirements in Rule 345A and amend related registration requirements provided under various Commentaries to Rule 1210. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and is intended to harmonize the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities industry.[4] The proposed rule change is discussed in detail below.

The proposed changes are based on the changes approved by the Commission in the approval order for SR–FINRA–2021–015.[5] The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA, with only minor changes necessary to conform to the Exchange's existing rules such as to remove cross-references and rules that are applicable to FINRA members but not to Exchange members.

Continuing Education Rules

(i) Background

The continuing education program for registered persons of broker-dealers (''CE Program'') currently requires registered persons to complete continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element, which is administered by FINRA on behalf of the Exchange, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations (''SROs''). The CE Program for registered persons of Exchange members is codified under 345A.[6]

a. Regulatory Element

Rule 345A(a) (Regulatory Element) currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.[7] The Exchange may extend these time frames for good cause shown.[8] Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their Exchange registrations deemed inactive and will be designated as ''CE inactive'' in the CRD system until the requirements of the Regulatory Element have been satisfied.[9] A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).[10]

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.[11] While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.[12]

The Regulatory Element was originally designed at a time when most individuals had to complete the Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform (''CE Online''), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Rule 345A(b) (Firm Element) currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.[13] The rule requires firms to

[4] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Rule Change'').

[5] *Id.*

[6] *See also* Commentary .06 to Rule 1210 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

[7] *See* Rule 345A(a)(1) and Rule 345A, Supplementary Material .30. An individual's registration anniversary date is generally the date they initially registered with the Exchange in the Central Registration Depository (''CRD®'') system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Commentary .08 to Rule 1210 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Member Organization) (''FSAWP participants'') are also subject to the Regulatory Element. The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Rule 345A(a)(3) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

[8] *See* Rule 345A(a)(2) (Failure to Complete).

[9] *Id.* Individuals must complete the entire Regulatory Element session to be considered to have ''completed'' the Regulatory Element; partial completion is the same as non-completion. With this proposed rule change, the Exchange proposes to adopt additional rule text found in the FINRA rules with respect to termination of registrations that become inactive. To maintain consistency with FINRA rules, the Exchange proposes to amend current Rule 345A(a)(2) by adopting the following rule text within current Rule 345A(a)(2): ''A registration that remains inactive for a period of two consecutive years will be administratively terminated by the Exchange. A person whose registration(s) is so terminated or who otherwise fails to complete required Regulatory Element for two consecutive years may reactivate the registration(s) only by reapplying for registration and meeting the qualification requirements of the applicable provisions of Rules 1210 and 1220. The two-year period under this Section (a)(2) is calculated from the date a person's registration(s) is deemed inactive.''

[10] This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

[11] The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

[12] The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

[13] The rule defines ''covered registered persons'' as any registered person who has direct contact with customers in the conduct of a member's securities sales and trading activities, and the immediate supervisors of any such persons. *See*

Continued

conduct an annual needs analysis to determine the appropriate training.[14] Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) general investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.[15]

A firm, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (''AML'') compliance program and training relating to the annual compliance meeting, for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-level examination or if they obtain a waiver of such examination(s) (the ''two-year qualification period'').[16] The two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (''CE Council'') and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (''NASAA''), FINRA adopted the following changes to the CE Program under its rules.[17] In order to promote uniform standards across the securities industry, the Exchange now proposes to adopt substantially similar changes to its continuing education rules.

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.[18] Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, the Exchange proposes amending Rule 345A(a) to require registered persons to complete the Regulatory Element annually by December 31.[19] The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.[20] Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.[21] For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.[22] In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial Regulatory Element for that registration category in the next calendar year following their reregistration.[23]

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.[24] However, the proposed rule change preserves the Exchange's ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.[25]

The Exchange also proposes amending Rule 345A(a) to clarify that: (1) individuals who are designated as CE inactive would be required to complete all of their pending and

Rule 345A(b)(1) (Persons Subject to the Firm Element).

[14] *See* Rule 345A(b)(2) (Standards).

[15] *Id.*

[16] *See* Commentary .07 to Rule 1210 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date the Exchange receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (''SIE'') examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked pursuant to Rule 8310 (Sanctions for Violation of the Rules) may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Commentary .02 to Rule 1210 (Qualification Examinations and Waivers of Examinations) or as part of the waiver program under Commentary .08 to Rule 1210.

[17] *See supra* note 4. FINRA's changes are based on the CE Council's September 2019 recommendations to enhance the CE Program. *See* Recommended Enhancements for the Securities Industry Continuing Education Program, available at *http://cecouncil.org/media/266634/council-recommendations-final-.pdf.* The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

[18] When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. *See* Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR–AMEX–94–59; SR–CBOE–94–49; SR–CHX–94–27; SR–MSRB–94–17; SR–NASD–94–72; SR–NYSE–94–43; SR–PSE–94–35; and SR–PHLX–94–52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33).

[19] *See* proposed Rules 345A(a)(1) and Rule 345A, Supplementary Material .30.

[20] *See* proposed Rules 1210, Commentary .06 and 345A(a)(1).

[21] *See* proposed Rules 345A(a)(1) and Rule 345A, Supplementary Material .30.

[22] *See* proposed Rule 345A(a)(1).

[23] *See* proposed Rule 345A, Supplementary Material .30.

[24] *See* proposed Rule 345A(a)(2).

[25] *Id.* The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive period, to return to active status; [26] (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations; [27] (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by the Exchange; [28] (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration category, whichever is applicable; [29] and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal. In addition, the Exchange proposes making conforming amendments to Commentary .07 to Rule 1210.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.[30] However, individuals with multiple registrations would not be subject to duplicative regulatory content in any given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Exchange's rulebook with FINRA's rulebook, and, in addition, to better align the Firm Element requirement with other required training, the Exchange proposes amending Rule 345A(b) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[31] The Exchange also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Commentary .01 to Rule 1210 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[32] In conjunction with this proposed change, the Exchange proposes modifying the current minimum training criteria under Rule 345A(b) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.[33]

c. Maintenance of Qualification After Termination of Registration

The Exchange proposes adopting Section (c) under Rule 345A and Supplementary Material .70 and .80 to Rule 345A to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education.[34] The proposed rule change would not eliminate the two-year qualification period. Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category; [35]
- individuals could elect to participate when they terminate a registration or within two years from the termination of a registration; [36]
- individuals would be required to complete annually all prescribed continuing education; [37]

[26] *See* proposed Rule 345A(a)(2).

[27] *See* proposed Rule 345A(a)(2).

[28] *See* proposed Rule 345A(a)(3). As previously noted, Rule 345A(a)(3) currently provides that such individuals may be required to retake the Regulatory Element. *See supra* note 7.

[29] *See* proposed Rule 345A, Supplementary Material .30.

[30] As discussed in the economic impact assessment in the FINRA Rule Change, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

[31] *See* proposed Rule 345A(b)(2)(iv).

[32] *See* proposed Rule 345A(b)(1). As noted earlier, the current requirement only applies to ''covered registered persons'' and not all registered persons.

[33] *See* proposed Rule 345A(b)(2)(ii).

[34] The proposed option would also be available to individuals who terminate any permissive registrations as provided under Commentary .01 to Rule 1210. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

[35] *See* proposed Rule 345A(c)(1).

[36] *See* proposed Rule 345A(c)(2). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

[37] *See* proposed Rule 345A(c)(3). However, upon a participant's request and for good cause shown, the Exchange would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from the Exchange. The continuing education

Continued

• individuals would have a maximum of five years in which to reregister; [38]
• individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue; [39] and
• individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.[40]

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the effective date of the proposed rule change and individuals who have been FSAWP participants immediately prior to the effective date of the proposed rule change.[41]

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.[42] Additionally, the Exchange proposes making conforming amendments to Rule 1210, including adding references to proposed Rule 345A(c) under Commentary .07 to Rule 1210. Finally, the Exchange proposes certain additional amendments to its rules to further align the Exchange's rules with those of FINRA, including making changes to certain rules to correct typographical and grammatical errors. More specifically, the Exchange proposes to amend current Rule 345A(a)(2) to clarify that the provisions under the rule apply to a ''registered person'' by inserting the word ''registered'' in front of ''person.'' The Exchange also proposes to adopt Sections (a)(4) and (5) under Rule 345A which describes the manner in which the Regulatory Element is delivered and the designation of a contact person by a member or member organization to the Exchange for receiving notifications regarding the Regulatory Element, respectively.

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.[43] In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.[44]

d. CE Program Implementation

As stated in the FINRA Rule Change, FINRA and the CE Council also plan to enhance the CE Program in other ways, and these additional enhancements do not require any changes to the FINRA rules.[45] As it relates to the rule changes themselves, the FINRA changes relating to the Maintaining Qualifications Program and the Financial Services Affiliate Waiver Program (FSAWP)

content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog. The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

[38] *See* proposed Rule 345A(c). In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (*e.g.,* submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

[39] *See* proposed Rules 345A(c)(4) and (c)(5).

[40] *See* proposed Rules 345A(c)(1) and (c)(6). Further, any content completed by participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, the Exchange receives a Form U4 submitted by a member on behalf of Individual A requesting registration with the Exchange. The Form U4 discloses the statutory disqualification event. The Exchange would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with the Exchange, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with an Exchange member firm. *See* Exchange Act Sections 3(a)(39) and 15(b)(4).

[41] *See* proposed Supplementary Material .70 to Rule 345A. Such individuals would be required to elect whether to participate by the date the proposed rule change becomes effective. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change becomes effective. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon the date the proposed rule change becomes effective. *See* proposed Commentary .08 to Rule 1210. However, individuals who are FSAWP participants immediately prior to the effective date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. *See supra* note 7. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, the Exchange has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the effective date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the effective date of the proposed rule change would be subject to an annual Regulatory Element requirement. *See* proposed Rule 345A(a)(1). Finally, the proposed rule change preserves the Exchange's ability to extend the time by which FSAWP participants must complete the Regulatory Element for good cause shown. *See* proposed Rule 345A(a)(2).

[42] *See* proposed Supplementary Material .80 to Rule 345A.

[43] *See* The Female Face of Family Caregiving (November 2018), available at *https://www.nationalpartnership.org/our-work/resources/economic-justice/femaleface-family-caregiving.pdf.*

[44] *See* The COVID–19 Recession is the Most Unequal in Modern U.S. History (September 30, 2020), available at *https://www.washingtonpost.com/graphics/2020/business/coronavirus-recessionequality/* and Unemployment's Toll on Older Workers Is Worst in Half a Century (October 21, 2020), available at *https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers.*

[45] *See supra* note 4. As described in more detail in the FINRA Rule Change, FINRA will work with the CE Council to develop and incorporate additional resources in connection with the Regulatory and Firm Elements. Similar to FINRA, these additional enhancements do not require any changes to the Exchange rules.

became effective March 15, 2022.[46] The Exchange's proposed changes to the Maintaining Qualifications Program (Section (c) of Rule 345A and Supplementary Materials .70 and .80 to Rule 345A) and to the FSAWP (Commentary .08 to Rule 1210) will become effective on the date this proposed rule change is filed. All other changes related to the FINRA Rule Change and to the Exchange's rules relating to the Regulatory Element, Firm Element and the two-year qualification period, will have an implementation date of January 1, 2023.[47]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[48] in general, and furthers the objectives of Section 6(b)(5),[49] in particular, because 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.

As noted above, the proposed rule change seeks to align the Exchange Rules with the recent change to FINRA rules which has been approved by the Commission.[50] The Exchange believes the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[51] which requires, among other things, that Exchange Rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(c)(3) of the Act,[52] which authorizes the Exchange to prescribe standards of training, experience and competence for persons associated with the Exchange.

The Exchange believes that the proposed change to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, the Exchange believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion in the securities industry without diminishing investor protection.

The Exchange believes the proposal is consistent with the Act for the reasons described above and for the reasons outlined in the approval order for SR–FINRA–2021–015.[53]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[54] and Rule 19b–4(f)(6) thereunder.[55]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing. In addition, Rule 19b–4(f)(6)(iii)[56] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

Waiver of the 30-day operative delay would allow the Exchange to more quickly align certain of its proposed changes with changes that FINRA implemented on March 15, 2022, thereby reducing the possibility of a significant regulatory gap between the FINRA and Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for registered persons of the Exchange that are also FINRA members. For this reason, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[57]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[46] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rulesguidance/notices/21-41.*

[47] *Id.*

[48] 15 U.S.C. 78f(b).

[49] 15 U.S.C. 78f(b)(5).

[50] *See supra* note 4.

[51] 15 U.S.C. 78f(b)(5).

[52] 15 U.S.C. 78f(c)(3).

[53] *See supra* note 4.

[54] 15 U.S.C. 78s(b)(3)(A)(iii).

[55] 17 CFR 240.19b–4(f)(6).

[56] 17 CFR 240.19b–4(f)(6)(iii).

[57] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2022–23 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–NYSE–2022–23. 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–NYSE–2022–23 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12648 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

[58] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95064; File No. SR–NYSEAMER–2022–20]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments to the Exchange's Rules Regarding Continuing Education Requirements

June 7, 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 25, 2022, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to the Exchange's rules regarding continuing education requirements (Rules 341A and 2.21E) applicable to member organizations,[4] Equity Trading Permit (''ETP'') Holders and ATP Holders (collectively, ''members''). The proposed rule change also makes conforming amendments to the Exchange's rules regarding registration requirements (Rule 2.1210).[5] Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its continuing education requirements in Rules 341A [6] and 2.21E [7] and amend related registration requirements provided under various Commentaries to Rule 2.1210. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and is intended to harmonize the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities industry.[8] The proposed rule change is discussed in detail below.

The proposed changes are based on the changes approved by the Commission in the approval order for SR–FINRA–2021–015.[9] The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA, with only minor changes necessary to conform to the Exchange's existing rules such as to remove cross-references and rules that are applicable to FINRA members but not to Exchange members.

Continuing Education Rules

(i) Background

The continuing education program for registered persons of broker-dealers (''CE Program'') currently requires registered persons to complete continuing education consisting of a

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] References to ''member organization'' as used in Exchange rules include American Trading Permit (''ATP'') Holders, which are registered brokers or dealers approved to effect transactions on the Exchange's options marketplace. Under the Exchange's rules, an ATP Holder has the status as a ''member'' of the Exchange as that term is defined in Section 3 of the Act. *See* Rule 900.2NY(4) & (5).

[5] The Exchange also proposes to amend Rule 2.1220(a)(2)(A)(i) to make a conforming change to the current rule. The proposed text will conform Rule 2.1220(a)(2)(A)(i) with that of the rules of the Exchange's affiliate, NYSE Arca, Inc. *See* NYSE Arca Rule 2.1220(a)(2)(A)(i).

[6] Rule 341A applies to members and member organizations.

[7] Rule 2.21E applies to ETP Holders.

[8] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Rule Change'').

[9] *Id.*

Regulatory Element and a Firm Element. The Regulatory Element, which is administered by FINRA on behalf of the Exchange, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations (''SROs''). The CE Program for registered persons of Exchange members is codified under Rules 341A and 2.21E.[10]

a. Regulatory Element

Rule 341A(a) (Regulatory Element) and Rule 2.21E(d)(1) (Regulatory Element) each currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.[11] The Exchange may extend these time frames for good cause shown.[12] Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their Exchange registrations deemed inactive and will be designated as ''CE inactive'' in the CRD system until the requirements of the Regulatory Element have been satisfied.[13] A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).[14]

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.[15] While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.[16]

The Regulatory Element was originally designed at a time when most individuals had to complete the Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform (''CE Online''), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Rule 341A(b) (Firm Element) and Rule 2.21E(d)(2) (Firm Element) each currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.[17] The rule requires firms to conduct an annual needs analysis to determine the appropriate training.[18] Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) general investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.[19]

A firm, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (''AML'') compliance program and training relating to the annual compliance meeting, for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-

[10] *See also* Commentary .06 to Rule 2.1210 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

[11] *See* Rule 341A(a) and Rule 341A, Commentary .03 and Rule 2.21E(d)(1) and Rule 2.21E, Commentary .04. An individual's registration anniversary date is generally the date they initially registered with the Exchange in the Central Registration Depository (''CRD®'') system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Commentary .08 to Rule 2.1210 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Member Organization or ETP Holder) (''FSAWP participants'') are also subject to the Regulatory Element. The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Rules 341A(a)(3) (Disciplinary Actions) and Rule 2.21E(d)(1)(C) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

[12] *See* Rule 341A(a)(2) (Failure to Complete) and Rule 2.21E(d)(1)(B) (Failure to Complete).

[13] *Id.* Individuals must complete the entire Regulatory Element session to be considered to have ''completed'' the Regulatory Element; partial completion is the same as non-completion. With this proposed rule change, the Exchange proposes to adopt additional rule text found in the FINRA rules with respect to termination of registrations that become inactive. To maintain consistency with FINRA rules, the Exchange proposes to amend current Rule 341A(a)(2) by adopting the following rule text within the current rule: ''A registration that remains inactive for a period of two consecutive years will be administratively terminated by the Exchange. A person whose registration(s) is so terminated or who otherwise fails to complete required Regulatory Element for two consecutive years may reactivate the registration(s) only by reapplying for registration and meeting the qualification requirements of the applicable provisions of Rules 2.1210 and 2.1220. The two-year period under this Section (a)(2) is calculated from the date a person's registration(s) is deemed inactive.'' Additionally, the Exchange proposes to amend current Rule 2.21E(d)(1)(B) by adopting the following text within the current rule: ''A registration that remains inactive for a period of two consecutive years will be administratively terminated by the Exchange. A person whose registration(s) is so terminated or who otherwise fails to complete required Regulatory Element for two consecutive years may reactivate the registration(s) only by reapplying for registration and meeting the qualification requirements of the applicable provisions of Rules 2.1210 and 2.1220. The two-year period under this paragraph (d)(1)(B) is calculated from the date a person's registration(s) is deemed inactive.''

[14] This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

[15] The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

[16] The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

[17] The rules define ''covered registered persons'' as any registered person who has direct contact with customers in the conduct of a member's securities sales and trading activities, and the immediate supervisors of any such persons. *See* Rule 341A(b)(1) (Persons Subject to the Firm Element) and Rule 2.21E(d)(2)(A) (Persons Subject to the Firm Element).

[18] *See* Rule 341A(b)(2) (Standards) and Rule 2.21E(d)(2)(B) (Standards).

[19] *Id.*

level examination or if they obtain a waiver of such examination(s) (the ''two-year qualification period'').[20] The two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (''CE Council'') and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (''NASAA''), FINRA adopted the following changes to the CE Program under its rules.[21] In order to promote uniform standards across the securities industry, the Exchange now proposes to adopt substantially similar changes to its continuing education rules.

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.[22] Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, the Exchange proposes amending Rule 341A(a) and Rule 2.21E(d)(1) to require registered persons to complete the Regulatory Element annually by December 31.[23] The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.[24] Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.[25] For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.[26] In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial Regulatory Element for that registration category in the next calendar year following their reregistration.[27]

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.[28] However, the proposed rule change preserves the Exchange's ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.[29]

The Exchange also proposes amending Rule 341A(a) and Rule 2.21E(d)(1) to clarify that: (1) individuals who are designated as CE inactive would be required to complete all of their pending and upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive period, to return to active status; [30] (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations; [31] (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by the Exchange; [32] (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration

[20] *See* Commentary .07 to Rule 2.1210 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date the Exchange receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (''SIE'') examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked pursuant to Rule 8310 (Sanctions for Violation of the Rules) may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Commentary .02 to Rule 2.1210 (Qualification Examinations and Waivers of Examinations) or as part of the waiver program under Commentary .08 to Rule 2.1210.

[21] *See supra* note 8. FINRA's changes are based on the CE Council's September 2019 recommendations to enhance the CE Program. *See* Recommended Enhancements for the Securities Industry Continuing Education Program, available at *http://cecouncil.org/media/266634/council-recommendations-final-.pdf.* The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

[22] When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. *See* Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR–AMEX–94–59; SR–CBOE–94–49; SR–CHX–94–27; SR–MSRB–94–17; SR–NASD–94–72; SR–NYSE–94–43; SR–PSE–94–35; and SR–PHLX–94–52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33).

[23] *See* proposed Rules 341A(a) and 341A, Commentary .03 and Rules 2.21E(d)(1) and 2.21E, Commentary .04.

[24] *See* proposed Rules 2.1210, Commentary .06, 341A(a) and 2.21E(d)(1).

[25] *See* proposed Rules 341A(a) and 341A, Commentary .03 and Rules 2.21E(d)(1) and 2.21E, Commentary .04.

[26] *See* proposed Rule 341A(a) and Rule 2.21E(d)(1).

[27] *See* proposed Rule 341A, Commentary .03 and Rule 2.21E, Commentary .04.

[28] *See* proposed Rule 341A(a)(2) and Rule 2.21E(d)(1)(B).

[29] *Id.* The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

[30] *See* proposed Rule 341A(a)(2) and Rule 2.21E(d)(1)(B).

[31] *See* proposed Rule 341A(a)(2) and Rule 2.21E(d)(1)(B).

[32] *See* proposed Rule 341A(a)(3) and Rule 2.21E(d)(1)(C). As previously noted, Rule 345A(a)(3) and Rule 2.21E(d)(1)(C) each currently provides that such individuals may be required to retake the Regulatory Element. *See supra* note 11.

category, whichever is applicable;[33] and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal. In addition, the Exchange proposes making conforming amendments to Commentary .07 to Rule 2.1210.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.[34] However, individuals with multiple registrations would not be subject to duplicative regulatory content in any given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Exchange's rulebook with FINRA's rulebook, and, in addition, to better align the Firm Element requirement with other required training, the Exchange proposes amending Rule 341A(b) and Rule 2.21E(d)(2) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[35] The Exchange also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Commentary .01 to Rule 2.1210 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[36] In conjunction with this proposed change, the Exchange proposes modifying the current minimum training criteria under Rule 341A(b) and Rule 2.21E(d)(2) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.[37]

c. Maintenance of Qualification After Termination of Registration

The Exchange proposes adopting paragraph (c) under Rule 341A and Commentary .06 and .07 under Rule 341A and paragraph (3) under 2.21E(d) and Commentary .06 and .07 under Rule 2.21E to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education.[38] The proposed rule change would not eliminate the two-year qualification period. Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category;[39]
- individuals could elect to participate when they terminate a registration or within two years from the termination of a registration;[40]
- individuals would be required to complete annually all prescribed continuing education;[41]
- individuals would have a maximum of five years in which to reregister;[42]

[33] *See* proposed Rule 341A, Commentary .03 and Rule 2.21E, Commentary .04.

[34] As discussed in the economic impact assessment in the FINRA Rule Change, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

[35] *See* proposed Rule 341A(b)(2)(iv) and Rule 2.21E(d)(2)(B)(iv).

[36] *See* proposed Rule 341A(b)(1) and Rule 2.21E(d)(2)(A). As noted earlier, the current requirement only applies to ''covered registered persons'' and not all registered persons.

[37] *See* proposed Rule 341A(b)(2)(ii) and Rule 2.21E(d)(2)(B)(ii).

[38] The proposed option would also be available to individuals who terminate any permissive registrations as provided under Commentary .01 to Rule 2.1210. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

[39] *See* proposed Rule 341A(c)(1) and Rule 2.21E(d)(3)(A).

[40] *See* proposed Rule 341A(c)(2) and Rule 2.21E(d)(3)(B). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

[41] *See* proposed Rule 341A(c)(3) and Rule 2.21E(d)(3)(C). However, upon a participant's request and for good cause shown, the Exchange would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from the Exchange. The continuing education content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog. The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

[42] *See* proposed Rule 341A(c) and Rule 2.21E(d)(3). In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (*e.g.,* submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

• individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue; [43] and

• individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.[44]

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the implementation date of the proposed rule change and individuals who have been FSAWP participants immediately prior to the implementation date of the proposed rule change.[45]

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.[46] Additionally, the Exchange proposes making conforming amendments to Rule 2.1210, including adding references to proposed Rule 341A(c) and Rule 2.21E(d)(3) under Commentary .07 to Rule 2.1210. Further, the Exchange proposes certain additional amendments to its rules to further align the Exchange's rules with those of FINRA, including making changes to certain rules to correct typographical and grammatical errors. More specifically, the Exchange proposes to amend current Rules 314A(a)(2) and 2.21E(d)(1)(B) to clarify that the provisions under such rules apply to a ''registered person'' by inserting the word ''registered'' in front of ''person.'' The Exchange also proposes to adopt Section (a)(5) under Rule 341A which describes the manner in which members designate a contact person to the Exchange for receiving notifications regarding the Regulatory Element. Finally, the Exchange proposes to amend current Rule 2.1220(a)(2)(A)(i) to conform the rule to that of its affiliate, NYSE Arca.

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.[47] In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.[48]

d. CE Program Implementation

As stated in the FINRA Rule Change, FINRA and the CE Council also plan to enhance the CE Program in other ways, and these additional enhancements do not require any changes to the FINRA rules.[49] As it relates to the rule changes themselves, the FINRA changes relating to the Maintaining Qualifications Program and the Financial Services Affiliate Waiver Program (FSAWP) became effective on March 15, 2022.[50] The Exchange's proposed changes to the Maintaining Qualifications Program (paragraph (c) of Rule 341A along with Commentary .06 and .07 to Rule 341A and paragraph (3) of Rule 2.21E(d) along with Commentary .06 and .07 to Rule 2.21E) and to the FSAWP (Commentary .08 to Rule 2.1210) will become effective on the date this proposed rule change is filed. All other changes related to the FINRA Rule Change and to the Exchange's rules relating to the Regulatory Element, Firm Element and the two-year qualification period, will

[43] *See* proposed Rules 341A(c)(4) and (c)(5) and Rules 2.21E(d)(3)(C) and (d)(3)(D).

[44] *See* proposed Rules 341A(c)(1) and (c)(6) and Rules 2.21E(d)(3)(A) and (d)(3)F). Further, any content completed by participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, the Exchange receives a Form U4 submitted by a member on behalf of Individual A requesting registration with the Exchange. The Form U4 discloses the statutory disqualification event. The Exchange would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with the Exchange, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with an Exchange member firm. *See* Exchange Act Sections 3(a)(39) and 15(b)(4).

[45] *See* proposed Commentary .06 to Rule 341A and Commentary .06 to Rule 2.21E. Such individuals would be required to elect whether to participate by the effective date of the proposed rule change. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change becomes effective. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon the date the proposed rule change becomes effective. *See* proposed Commentary .08 to Rule 2.1210. However, individuals who are FSAWP participants immediately prior to the effective date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. *See supra* note 11. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, the Exchange has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the effective date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the effective date of the proposed rule change would be subject to an annual Regulatory Element requirement. *See* proposed Rule 341A(a) and Rule 2.21E(d)(1). Finally, the proposed rule change preserves the Exchange's ability to extend the time by which FSAWP participants must complete the Regulatory Element for good cause shown. *See* proposed Rule 341A(a)(2) and Rule 2.21E(d)(1)(B).

[46] *See* proposed Commentary .07 to Rule 341A and Commentary .07 to Rule 2.21E.

[47] *See* The Female Face of Family Caregiving (November 2018), available at *https://www.nationalpartnership.org/our-work/resources/economic-justice/femaleface-family-caregiving.pdf.*

[48] *See* The COVID–19 Recession is the Most Unequal in Modern U.S. History (September 30, 2020), available at *https://www.washingtonpost.com/graphics/2020/business/coronavirus-recessionequality/* and Unemployment's Toll on Older Workers Is Worst in Half a Century (October 21, 2020), available at *https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers.*

[49] *See supra* note 8. As described in more detail in the FINRA Rule Change, FINRA will work with the CE Council to develop and incorporate additional resources in connection with the Regulatory and Firm Elements. Similar to FINRA, these additional enhancements do not require any changes to the Exchange rules.

[50] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rulesguidance/notices/21-41.*

have an implementation date of January 1, 2023.[51]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[52] in general, and furthers the objectives of Section 6(b)(5),[53] in particular, because 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.

As noted above, the proposed rule change seeks to align the Exchange Rules with the recent change to FINRA rules which has been approved by the Commission.[54] Additionally, the proposed rule change seeks to conform current Rule 2.1220(a)(2)(A)(i) with that of its affiliate, NYSE Arca. The Exchange believes the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[55] which requires, among other things, that Exchange Rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(c)(3) of the Act,[56] which authorizes the Exchange to prescribe standards of training, experience and competence for persons associated with the Exchange.

The Exchange believes that the proposed change to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, the Exchange believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion in the securities industry without diminishing investor protection.

The Exchange believes the proposal is consistent with the Act for the reasons described above and for the reasons outlined in the approval order for SR–FINRA–2021–015.[57]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[58] and Rule 19b–4(f)(6) thereunder.[59]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing. In addition, Rule 19b–4(f)(6)(iii)[60] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

Waiver of the 30-day operative delay would allow the Exchange to more quickly align certain of its proposed changes with changes that FINRA implemented on March 15, 2022, thereby reducing the possibility of a significant regulatory gap between the FINRA and Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for registered persons of the Exchange that are also FINRA members. In addition, the waiver would allow the Exchange to immediately conform one of its rules to that of NYSE Arca, further providing more uniform standards across the securities industry. For these reasons, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[61]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2022–20 on the subject line.

[51] *Id.*

[52] 15 U.S.C. 78f(b).

[53] 15 U.S.C. 78f(b)(5).

[54] *See supra* note 8.

[55] 15 U.S.C. 78f(b)(5).

[56] 15 U.S.C. 78f(c)(3).

[57] *See supra* note 8.

[58] 15 U.S.C. 78s(b)(3)(A)(iii).

[59] 17 CFR 240.19b–4(f)(6).

[60] 17 CFR 240.19b–4(f)(6)(iii).

[61] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEAMER–2022–20. 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–NYSEAMER–2022–20 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12643 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

[62] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95059; File No. SR–NYSEAMER–2022–21]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Equities Price List

June 7, 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 25, 2022, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Equities Price List (''Price List'') to specify that the Exchange may exclude from its average daily volume and quoting calculations the date of the annual reconstitution of the Russell Investments Indexes. The proposed 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to specify that the Exchange may exclude from its average daily volume and quoting calculations the date of the annual reconstitution of the Russell Investments Indexes (the ''Russell Rebalance'').

Proposed Rule Change

The Exchange's Price List currently provides that, for purposes of determining transaction fees and credits based on quoting levels, average daily volume (''ADV''), and consolidated ADV (''CADV''), the Exchange may exclude shares traded any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The Exchange proposes to specify that the Exchange may also exclude from its quoting levels, ADV, and CADV calculations the date of the annual Russell Rebalance.

The Russell Rebalance, which typically occurs in June, is characterized by high trading volumes, much of which derive from market participants who are not generally as active entering the market to rebalance their holdings in-line with the Russell Rebalance.[4] The Exchange believes that the high trading volumes during the Russell Rebalance can significantly impact ADV, CADV and quoting calculations. The Exchange believes that excluding the date of the Russell Rebalance will mitigate the uncertainty faced by ETP Holders as to their quoting, ADV, and CADV levels and the corresponding rebate amounts during the month of the Russell Rebalance, thereby providing ETP Holders with an increased certainty as to that month's cost for trades executed on the Exchange. The Exchange further believes that removing this uncertainty will encourage ETP Holders to participate in trading on the Exchange during the remaining trading days in the month of the Russell Rebalance in a manner intended to be incented by the Exchange's Price List.

To effectuate this change, the Exchange proposes to add a clause to the second bullet following ''NYSE

[4] *See, e.g.,* Securities Exchange Act Release No. 69793 (July 18, 2013), 78 FR 37865, 37866 (July 24, 2013) (SR–BATS–2013–034) (excluding the Russell Reconstitution Day from the definition of ADV); Securities Exchange Act Release No. 72002 (April 23, 2014), 79 FR 24028, 24029 (April 29, 2014) (SR–EDGX–2014–10) (same).

American Trading Fees and Credits.'' As proposed, the new clause would provide that the Exchange may exclude shares traded any day that ''is the date of the annual reconstitution of the Russell Investments Indexes.'' The proposed change is similar to, and consistent with, the rules of the Exchange's affiliates and other self-regulatory organizations.[5]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange notes that it operates in a highly fragmented and competitive market in which competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Proposed Change is Reasonable

The Exchange believes that it is reasonable to permit the Exchange to eliminate from the calculation of quoting levels, ADV, and CADV the date of the annual Russell Rebalance because it will provide ETP Holders with a greater level of certainty as to their level of rebates and fees for trading in the month of the Russell Rebalance. By eliminating a trading day that would almost certainly lower an ETP Holder's ADV as a percentage of CADV, the Exchange believes that the proposal will make the majority of ETP Holders more likely to meet the minimum thresholds of higher tiers, which will provide additional incentive for ETP Holders to increase their participation on the Exchange and earn more favorable rates. As noted above, other self-regulatory organizations have adopted rules that are substantially similar to the change being proposed by the Exchange.[8]

The Proposal is an Equitable Allocation of Fees

The Exchange believes its proposal equitably allocates its fees among its market participants. Specifically, the Exchange believes that the proposal constitutes an equitable allocation of fees because the exclusion would apply equally to all ETP Holders and market participants and to all volume tiers. Further, the Exchange believes that removing a single known day of atypical trading behavior would allow all ETP Holders to more predictably calculate the costs associated with their trading activity on the Exchange on the Russell Rebalance day, thereby enabling such participants to operate their business without concern of unpredictable and potentially significant changes in revenues and expenses.

The Proposal is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the exclusion would apply equally to all ETP Holders, to all market participants and to all volume tiers. Moreover, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. Rather, as discussed above, the Exchange believes that removing a single known day of atypical trading behavior would allow all ETP Holders to more predictably calculate the credits and fees associated with their trading activity on the Russell Rebalance day, thereby enabling such participants to operate their business without concern of unpredictable and potentially significant changes in expenses.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[9] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as noted above, by eliminating a trading day that would almost certainly result in lowering an ETP Holder's ADV as a percentage of CADV, the Exchange believes that the proposal will benefit the majority of ETP Holders by making it more likely for them to meet the minimum thresholds of higher tiers, which will provide additional incentive for ETP Holders to increase their participation on the Exchange and earn more favorable rates. The Exchange believes that the proposal thus fosters competition by providing an additional incentive to ETP Holders to submit orders to the Exchange. The proposed exclusion would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intramarket Competition. The proposed change is designed to eliminate a trading day that would almost certainly result in lowering an ETP Holder's ADV as a percentage of CADV. The Exchange believes that the proposal would provide additional incentive for ETP Holders to increase their participation on the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages ETP Holders to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants. The proposed exclusion would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. By providing ETP Holders with a greater level of certainty as to their level of rebates and costs for

[5] *See, e.g.,* NYSE Arca Equities Fees and Charges, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf* (''the date of the annual reconstitution of the Russell Investments Indexes does not count toward volume tiers''); NYSE Price List, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (''the Exchange may exclude shares traded on any day that . . . is the date of the annual reconstitution of the Russell Investments Indexes'' for purposes of determining transaction fees and credits based on volumes, quoting, ADV and CADV''); NYSE National, Inc. Schedule of Fees and Rebates, available at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf* (''the Exchange may exclude shares traded any day that . . . is the date of the annual reconstitution of the Russell Investments Indexes'' for purposes of determining transaction fees and credits based on quoting levels, ADV, and CADV); Cboe BZX U.S. Equities Exchange Fee Schedule, available at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/* (''The Exchange excludes from its calculation of ADAV and ADV shares added or removed on . . . the last Friday in June (the 'Russell Reconstitution Day')'').

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) & (5).

[8] *See* notes 4–5, *supra.*

[9] 15 U.S.C. 78f(b)(8).

trading in the month of the Russell Rebalance, the Exchange believes that the proposed change could promote competition between the Exchange and other execution venues by encouraging ETP Holders to increase their participation on the Exchange in order to earn more favorable rates.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(2) of Rule 19b–4 [11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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) [12] 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–NYSEAMER–2022–21 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–NYSEAMER–2022–21. 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–NYSEAMER–2022–21, and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12646 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95065; File No. SR–NYSEARCA–2022–32]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments to the Exchange's Rules Regarding Continuing Education Requirements

June 7, 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 25, 2022, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to the Exchange's rules regarding continuing education requirements (Rules 2.23 and 2.24) applicable to Equity Trading Permit (''ETP'') Holders, Options Trading Permit (''OTP'') Holders and OTP Firms (collectively, ''members''). The proposed rule change also makes conforming amendments to the Exchange's rules regarding registration requirements (Rule 2.1210). Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its continuing education requirements in Rules 2.23 and 2.24 and amend related

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

registration requirements provided under various Commentaries to Rule 2.1210. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and is intended to harmonize the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities industry.[4] The proposed rule change is discussed in detail below.

The proposed changes are based on the changes approved by the Commission in the approval order for SR–FINRA–2021–015.[5] The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA, with only minor changes necessary to conform to the Exchange's existing rules such as to remove cross-references and rules that are applicable to FINRA members but not to Exchange members.

Continuing Education Rules

(i) Background

The continuing education program for registered persons of broker-dealers (''CE Program'') currently requires registered persons to complete continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element, which is administered by FINRA on behalf of the Exchange, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations (''SROs''). The CE Program for registered persons of Exchange members is codified under Rules 2.23 and 2.24.[6]

a. Regulatory Element

Rule 2.23(d)(1) (Regulatory Element) and Rule 2.24(d)(1) (Regulatory Element) each currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.[7] The Exchange may extend these time frames for good cause shown.[8] Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their Exchange registrations deemed inactive and will be designated as ''CE inactive'' in the CRD system until the requirements of the Regulatory Element have been satisfied.[9] A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).[10]

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.[11] While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.[12]

The Regulatory Element was originally designed at a time when most individuals had to complete the Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform (''CE Online''), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Rule 2.23(d)(2) (Firm Element) and Rule 2.24(d)(2) (Firm Element) each currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.[13] The rule requires firms to conduct an annual needs analysis to

[4] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Rule Change'').

[5] *Id.*

[6] *See also* Commentary .06 to Rule 2.1210 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

[7] *See* Rule 2.23(d)(1) and Rule 2.23, Commentary .03, and Rule 2.24(d)(1) and Rule 2.24, Commentary .04. An individual's registration anniversary date is generally the date they initially registered with the Exchange in the Central Registration Depository (''CRD®'') system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Commentary .08 to Rule 2.1210 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of an ETP Holder, OTP Holder or OTP Firm) (''FSAWP participants'') are also subject to the Regulatory Element. The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Rule 2.23(d)(1)(C) (Disciplinary Actions) and Rule 2.24(d)(1)(C) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

[8] *See* Rule 2.23(d)(1)(B) (Failure to Complete) and Rule 2.24(d)(1)(B) (Failure to Complete).

[9] *Id.* Individuals must complete the entire Regulatory Element session to be considered to have ''completed'' the Regulatory Element; partial completion is the same as non-completion. With this proposed rule change, the Exchange proposes to adopt additional rule text found in the FINRA rules with respect to termination of registrations that become inactive. To maintain consistency with FINRA rules, the Exchange proposes to amend current Rule 2.23(d)(1)(B) and Rule 2.24(d)(1)(B) by adopting the following rule text within each of the current rules: ''A registration that remains inactive for a period of two consecutive years will be administratively terminated by the Exchange. A person whose registration(s) is so terminated or who otherwise fails to complete required Regulatory Element for two consecutive years may reactivate the registration(s) only by reapplying for registration and meeting the qualification requirements of the applicable provisions of Rules 2.1210 and 2.1220. The two-year period under this paragraph (1)(B) is calculated from the date a person's registration(s) is deemed inactive.'' The Exchange also proposes to adopt the following additional rule text within current Rule 2.24(d)(1)(B): ''If a registered person designated as eligible for a waiver pursuant to Exchange Rule 2.1210, Commentary .08, fails to complete the Regulatory Element within the prescribed time frames, the person shall no longer be eligible for such a waiver. The Exchange may, upon written application, with supporting documentation, and a showing of good cause, allow for additional time for a registered person to satisfy the Regulatory Element requirements.''

[10] This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

[11] The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

[12] The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

[13] The rules define ''covered registered persons'' as any registered person who has direct contact with customers in the conduct of a member's securities sales and trading activities, and the immediate supervisors of any such persons. *See* Rule 2.23(d)(2)(A) (Persons Subject to the Firm Element) and Rule 2.24(d)(2)(A) (Persons Subject to the Firm Element).

determine the appropriate training.[14] Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) general investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.[15]

A firm, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (''AML'') compliance program and training relating to the annual compliance meeting, for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-level examination or if they obtain a waiver of such examination(s) (the ''two-year qualification period'').[16] The two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (''CE Council'') and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (''NASAA''), FINRA adopted the following changes to the CE Program under its rules.[17] In order to promote uniform standards across the securities industry, the Exchange now proposes to adopt substantially similar changes to its continuing education rules.

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.[18] Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, the Exchange proposes amending Rule 2.23(d)(1) and Rule 2.24(d)(1) to require registered persons to complete the Regulatory Element annually by December 31.[19] The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.[20] Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.[21] For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.[22] In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial Regulatory Element for that registration category in the next calendar year following their reregistration.[23]

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.[24] However, the proposed rule change preserves the Exchange's ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.[25]

The Exchange also proposes amending Rule 2.23(d)(1) and Rule 2.24(d)(1) to clarify that: (1) individuals who are designated as CE inactive

[14] *See* Rule 2.23(d)(2)(B) (Standards) and Rule 2.24(d)(2)(B) (Standards).

[15] *Id.*

[16] *See* Commentary .07 to Rule 2.1210 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date the Exchange receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (''SIE'') examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked pursuant to Rule 10.8310 (Sanctions for Violation of the Rules) may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Commentary .02 to Rule 2.1210 (Qualification Examinations and Waivers of Examinations) or as part of the waiver program under Commentary .08 to Rule 2.1210.

[17] *See supra* note 4. FINRA's changes are based on the CE Council's September 2019 recommendations to enhance the CE Program. *See* Recommended Enhancements for the Securities Industry Continuing Education Program, available at *http://cecouncil.org/media/266634/council-recommendations-final-.pdf.* The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

[18] When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. *See* Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR–AMEX–94–59; SR–CBOE–94–49; SR–CHX–94–27; SR–MSRB–94–17; SR–NASD–94–72; SR–NYSE–94–43; SR–PSE–94–35; and SR–PHLX–94–52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33).

[19] *See* proposed Rules 2.23(d)(1) and 2.23, Commentary .03 and Rules 2.24(d)(1) and 2.24, Commentary .04.

[20] *See* proposed Rules 2.1210, Commentary .06, 2.23(d)(1) and 2.24(d)(1).

[21] *See* proposed Rules 2.23(d)(1) and 2.23, Commentary .03 and Rules 2.24(d)(1) and 2.24, Commentary .04.

[22] *See* proposed Rule 2.23(d)(1) and Rule 2.24(d)(1).

[23] *See* proposed Rule 2.23, Commentary .03 and Rule 2.24, Commentary .04.

[24] *See* proposed Rule 2.23(d)(1)(B) and Rule 2.24(d)(1)(B).

[25] *Id.* The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

would be required to complete all of their pending and upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive period, to return to active status; [26] (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations; [27] (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by the Exchange; [28] (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration category, whichever is applicable; [29] and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal. In addition, the Exchange proposes making conforming amendments to Commentary .07 to Rule 2.1210.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.[30] However, individuals with multiple registrations would not be subject to duplicative regulatory content in any given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Exchange's rulebook with FINRA's rulebook, and, in addition, to better align the Firm Element requirement with other required training, the Exchange proposes amending Rule 2.23(d)(2) and Rule 2.24(d)(2) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[31] The Exchange also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Commentary .01 to Rule 2.1210 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[32] In conjunction with this proposed change, the Exchange proposes modifying the current minimum training criteria under Rule 2.23(d)(2) and Rule 2.24(d)(2) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.[33]

c. Maintenance of Qualification After Termination of Registration

The Exchange proposes adopting paragraph (3) under Rule 2.23(d) and Commentary .07 and .08 under Rule 2.23 and paragraph (3) under Rule 2.24(d) and Commentary .07 and .08 under Rule 2.24 to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education.[34] The proposed rule change would not eliminate the two-year qualification period. Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category; [35]
- individuals could elect to participate when they terminate a registration or within two years from the termination of a registration; [36]

[26] *See* proposed Rule 2.23(d)(1)(B) and Rule 2.24(d)(1)(B).

[27] *See* proposed Rule 2.23(d)(1)(B) and Rule 2.24(d)(1)(B).

[28] *See* proposed Rule 2.23(d)(1)(C) and Rule 2.24(d)(1)(C). As previously noted, Rule 2.23(d)(1)(C) and Rule 2.24(d)(1)(C) each currently provides that such individuals may be required to retake the Regulatory Element. *See supra* note 7.

[29] *See* proposed Rule 2.23, Commentary .03 and Rule 2.24, Commentary .04.

[30] As discussed in the economic impact assessment in the FINRA Rule Change, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

[31] *See* proposed Rule 2.23(d)(2)(B)(iv) and Rule 2.24(d)(2)(B)(iv).

[32] *See* proposed Rule 2.23(d)(2)(A) and Rule 2.24(d)(2)(A). As noted earlier, the current requirement only applies to ''covered registered persons'' and not all registered persons.

[33] *See* proposed 2.23(d)(2)(B)(ii) and Rule 2.24(d)(2)(B)(ii).

[34] The proposed option would also be available to individuals who terminate any permissive registrations as provided under Commentary .01 to Rule 2.1210. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

[35] *See* proposed Rule 2.23(d)(3)(A) and Rule 2.24(d)(3)(A).

[36] *See* proposed Rule 2.23(d)(3)(B) and Rule 2.24(d)(3)(B). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to

Continued

- individuals would be required to complete annually all prescribed continuing education; [37]
- individuals would have a maximum of five years in which to reregister; [38]
- individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue; [39] and
- individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.[40]

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the implementation date of the proposed rule change and individuals who have been FSAWP participants immediately prior to the implementation date of the proposed rule change.[41]

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.[42] Additionally, the Exchange proposes making conforming amendments to Rule 2.1210, including adding references to proposed Rule 2.23(d)(3) and Rule 2.24(d)(3) under Commentary .07 to Rule 2.1210. Finally, the Exchange proposes certain additional amendments to its rules to further align the Exchange's rules with those of FINRA, including making changes to certain rules to correct typographical and grammatical errors. More specifically, the Exchange proposes to amend current Rules 2.23(d)(1)(B) and 2.24(d)(1)(B) to clarify that the provisions under such rules apply to a ''registered person'' by inserting the word ''registered'' in front of ''person.''

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.[43] In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.[44]

d. CE Program Implementation

As stated in the FINRA Rule Change, FINRA and the CE Council also plan to enhance the CE Program in other ways, and these additional enhancements do not require any changes to the FINRA rules.[45] As it relates to the rule changes

affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

[37] *See* proposed Rule 2.23(d)(3)(C) and Rule 2.24(d)(3)(C). However, upon a participant's request and for good cause shown, the Exchange would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from the Exchange. The continuing education content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog. The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

[38] *See* proposed Rule 2.23(d)(3) and Rule 2.24(d)(3). In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (*e.g.,* submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

[39] *See* proposed Rules 2.23(d)(3)(D) and (3)(E) and Rule 2.24(d)(3)(D) and (3)(E).

[40] *See* proposed Rules 2.23(d)(3)(A) and (3)(F) and Rules 2.24(d)(3)(A) and (3)(F). Further, any content completed by participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, the Exchange receives a Form U4 submitted by a member on behalf of Individual A requesting registration with the Exchange. The Form U4 discloses the statutory disqualification event. The Exchange would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with the Exchange, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with an Exchange member firm. *See* Exchange Act Sections 3(a)(39) and 15(b)(4).

[41] *See* proposed Commentary .07 to Rule 2.23 and Commentary .07 to Rule 2.24. Such individuals would be required to elect whether to participate by the effective date of the proposed rule change. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change becomes effective. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon the date the proposed rule change becomes effective. *See* proposed Commentary .08 to Rule 2.1210. However, individuals who are FSAWP participants immediately prior to the effective date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. *See supra* note 7. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, the Exchange has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the effective date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the effective date of the proposed rule change would be subject to an annual Regulatory Element requirement. *See* proposed Rule 2.23(d)(1) and Rule 2.24(d)(1). Finally, the proposed rule change preserves the Exchange's ability to extend the time by which FSAWP participants must complete the Regulatory Element for good cause shown. *See* proposed Rule 2.23(d)(1)(B) and Rule 2.24(d)(1)(B).

[42] *See* proposed Commentary .08 to Rule 2.23 and Commentary .08 to Rule 2.24.

[43] *See* The Female Face of Family Caregiving (November 2018), available at *https://www.nationalpartnership.org/our-work/resources/economic-justice/femaleface-family-caregiving.pdf.*

[44] *See* The COVID–19 Recession is the Most Unequal in Modern U.S. History (September 30, 2020), available at *https://www.washingtonpost.com/graphics/2020/business/coronavirus-recessionequality/* and Unemployment's Toll on Older Workers Is Worst in Half a Century (October 21, 2020), available at *https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers.*

[45] *See supra* note 4. As described in more detail in the FINRA Rule Change, FINRA will work with the CE Council to develop and incorporate additional resources in connection with the Regulatory and Firm Elements. Similar to FINRA,

themselves, the FINRA changes relating to the Maintaining Qualifications Program and the Financial Services Affiliate Waiver Program (FSAWP) became effective on March 15, 2022.[46] The Exchange's proposed changes to the Maintaining Qualifications Program (paragraph (3) of Rule 2.23(d) along with Commentary .07 and .08 to Rule 2.23 and Paragraph (3) of Rule 2.24(d) along with Commentary .07 and .08 to Rule 2.24) and the FSAWP (Commentary .08 to Rule 2.1210) will become effective on the date this proposed rule change is filed. All other changes related to the FINRA Rule Change and the Exchange's rules relating to the Regulatory Element, Firm Element and the two-year qualification period, will have an implementation date of January 1, 2023.[47]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[48] in general, and furthers the objectives of Section 6(b)(5),[49] in particular, because 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.

As noted above, the proposed rule change seeks to align the Exchange Rules with the recent change to FINRA rules which has been approved by the Commission.[50] The Exchange believes the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[51] which requires, among other things, that Exchange Rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(c)(3) of the Act,[52] which authorizes the Exchange to prescribe standards of training, experience and competence for persons associated with the Exchange.

The Exchange believes that the proposed change to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, the Exchange believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion in the securities industry without diminishing investor protection.

The Exchange believes the proposal is consistent with the Act for the reasons described above and for the reasons outlined in the approval order for SR–FINRA–2021–015.[53]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[54] and Rule 19b–4(f)(6) thereunder.[55]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing. In addition, Rule 19b–4(f)(6)(iii)[56] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

Waiver of the 30-day operative delay would allow the Exchange to more quickly align certain of its proposed changes with changes that FINRA implemented on March 15, 2022, thereby reducing the possibility of a significant regulatory gap between the FINRA and Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for registered persons of the Exchange that are also FINRA members. For this reason, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[57]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

these additional enhancements do not require any changes to the Exchange rules.

[46] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rulesguidance/notices/21-41.*

[47] *Id.*

[48] 15 U.S.C. 78f(b).

[49] 15 U.S.C. 78f(b)(5).

[50] *See supra* note 4.

[51] 15 U.S.C. 78f(b)(5).

[52] 15 U.S.C. 78f(c)(3).

[53] *See supra* note 4.

[54] 15 U.S.C. 78s(b)(3)(A)(iii).

[55] 17 CFR 240.19b–4(f)(6).

[56] 17 CFR 240.19b–4(f)(6)(iii).

[57] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2022–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2022–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2022–32 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12644 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95063; File No. SR–NYSECHX–2022–11]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change for Amendments to the Exchange's Rules Regarding Continuing Education Requirements

June 7, 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 25, 2022, NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to the Exchange's rules regarding continuing education requirements (Article 6, Rule 11) applicable to Participants.[4] The proposed rule change also makes conforming amendments to the Exchange's rules regarding registration requirements (Article 6, Rule 13). Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its continuing education requirements in Article 6, Rule 11 and amend related registration requirements provided under various Interpretations and Policies to Article 6, Rule 13. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and is intended to harmonize the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities industry.[5] The proposed rule change is discussed in detail below.

The proposed changes are based on the changes approved by the Commission in the approval order for SR–FINRA–2021–015.[6] The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA, with only minor changes necessary to conform to the Exchange's existing rules such as to remove cross-references and rules that are applicable to FINRA members but not to Exchange members.

Continuing Education Rules

(i) Background

The continuing education program for registered persons of broker-dealers (''CE Program'') currently requires registered persons to complete continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element, which is

[58] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Participant is a ''member'' of the Exchange for purposes of the Act. *See* Article 1, Rule 1(s).

[5] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Rule Change'').

[6] *Id.*

administered by FINRA on behalf of the Exchange, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations (''SROs''). The CE Program for registered persons of Exchange members is codified under Article 6, Rule 11.[7]

a. Regulatory Element

Article 6, Rule 11(a) (Regulatory Element) currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.[8] The Exchange may extend these time frames for good cause shown.[9] Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their Exchange registrations deemed inactive and will be designated as ''CE inactive'' in the CRD system until the requirements of the Regulatory Element have been satisfied.[10] A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).[11]

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.[12] While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.[13]

The Regulatory Element was originally designed at a time when most individuals had to complete the Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform (''CE Online''), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Article 6, Rule 11(b) (Firm Element) currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.[14] The rule requires firms to conduct an annual needs analysis to determine the appropriate training.[15] Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) general investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.[16]

A firm, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (''AML'') compliance program and training relating to the annual compliance meeting, for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-level examination or if they obtain a waiver of such examination(s) (the ''two-year qualification period'').[17] The

[7] *See also* Interpretations and Policies .06 to Article 6, Rule 13 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

[8] *See* Article 6, Rule 11(a) and Article 6, Rule 11(a)(5). An individual's registration anniversary date is generally the date they initially registered with the Exchange in the Central Registration Depository (''CRD®'') system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Interpretations and Policies .08 to Article 6, Rule 13 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Participant) (''FSAWP participants'') are also subject to the Regulatory Element. The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Article 6, Rule 11(a)(2) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

[9] *See* Article 6, Rule 11(a)(1) (Failure to Complete).

[10] *Id.* Individuals must complete the entire Regulatory Element session to be considered to have ''completed'' the Regulatory Element; partial completion is the same as non-completion.

[11] This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

[12] The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

[13] The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

[14] The rule defines ''covered registered persons'' as any registered person who has direct contact with customers in the conduct of a member's securities sales and trading activities, and the immediate supervisors of any such persons. *See* Article 6, Rule 11(b)(1) (Persons Subject to the Firm Element).

[15] *See* Article 6, Rule 11(b)(2) (Standards).

[16] *Id.*

[17] *See* Interpretations and Policies .07 to Article 6, Rule 13 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date the Exchange receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (''SIE'') examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Interpretations and Policies .02 to Article 6, Rule 13 (Qualification Examinations and Waivers of

Continued

two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (''CE Council'') and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (''NASAA''), FINRA adopted the following changes to the CE Program under its rules.[18] In order to promote uniform standards across the securities industry, the Exchange now proposes to adopt substantially similar changes to its continuing education rules.

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.[19] Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, the Exchange proposes amending Article 6, Rule 11(a) to require registered persons to complete the Regulatory Element annually by December 31.[20] The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.[21] Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.[22] For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.[23] In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial Regulatory Element for that registration category in the next calendar year following their reregistration.[24]

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.[25] However, the proposed rule change preserves the Exchange's ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.[26]

The Exchange also proposes amending Article 6, Rule 11(a) to clarify that: (1) individuals who are designated as CE inactive would be required to complete all of their pending and upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive period, to return to active status;[27] (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations;[28] (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by the Exchange;[29] (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration category, whichever is applicable;[30] and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal. In addition, the Exchange proposes making conforming amendments to Interpretations and Policies .07 to Article 6, Rule 13.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.[31] However, individuals with multiple registrations would not be subject to duplicative regulatory content in any given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General

Examinations) or as part of the waiver program under Interpretations and Policies .08 to Article 6, Rule 13.

[18] *See supra* note 5. FINRA's changes are based on the CE Council's September 2019 recommendations to enhance the CE Program. *See* Recommended Enhancements for the Securities Industry Continuing Education Program, available at *http://cecouncil.org/media/266634/council-recommendations-final-.pdf.* The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

[19] When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. *See* Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR–AMEX–94–59; SR–CBOE–94–49; SR–CHX–94–27; SR–MSRB–94–17; SR–NASD–94–72; SR–NYSE–94–43; SR–PSE–94–35; and SR–PHLX–94–52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33).

[20] *See* proposed Article 6, Rules 11(a) and (a)(5).

[21] *See* proposed Article 6, Rule 13, Interpretations and Policies .06 and Article 6, Rule 11(a).

[22] *See* proposed Article 6, Rules 11(a) and (a)(5).

[23] *See* proposed Article 6, Rule 11(a).

[24] *See* proposed Article 6, Rule 11(a)(5).

[25] *See* proposed Article 6, Rule 11(a)(1).

[26] *Id.* The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

[27] *See* proposed Article 6, Rule 11(a)(1).

[28] *See* proposed Article 6, Rule 11(a)(1).

[29] *See* proposed Article 6, Rule 11(a)(2). As previously noted, Article 6, Rule 11(a)(2) currently provides that such individuals may be required to retake the Regulatory Element. *See supra* note 8.

[30] *See* proposed Article 6, Rule 11(a)(5).

[31] As discussed in the economic impact assessment in the FINRA Rule Change, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Exchange's rulebook with FINRA's rulebook, and, in addition, to better align the Firm Element requirement with other required training, the Exchange proposes amending Article 6, Rule 11(b) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[32] The Exchange also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Interpretations and Policies .01 to Article 6, Rule 13 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[33] In conjunction with this proposed change, the Exchange proposes modifying the current minimum training criteria under Article 6, Rule 11(b) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.[34]

c. Maintenance of Qualification After Termination of Registration

The Exchange proposes adopting paragraph (c) under Article 6, Rule 11 and Interpretations and Policies .07 and .08 to Article 6, Rule 11 to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education.[35] The proposed rule change would not eliminate the two-year qualification period. Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category; [36]
- individuals could elect to participate when they terminate a registration or within two years from the termination of a registration; [37]
- individuals would be required to complete annually all prescribed continuing education; [38]
- individuals would have a maximum of five years in which to reregister; [39]
- individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue; [40] and
- individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.[41]

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the implementation date of the proposed rule change and individuals who have

[32] *See* proposed Article 6, Rule 11(b)(2)(D).

[33] *See* proposed Article 6, Rule 11(b)(1). As noted earlier, the current requirement only applies to ''covered registered persons'' and not all registered persons.

[34] *See* proposed Rule Article 6, Rule 11(b)(2)(B).

[35] The proposed option would also be available to individuals who terminate any permissive registrations as provided under Interpretations and Policies .01 to Article 6, Rule 13. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

[36] *See* proposed Article 6, Rule 11(c)(1).

[37] *See* proposed Article 6, Rule 11(c)(2). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

[38] *See* proposed Article 6, Rule 11(c)(3). However, upon a participant's request and for good cause shown, the Exchange would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from the Exchange. The continuing education content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog. The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

[39] *See* proposed Article 6, Rule 11(c). In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (*e.g.,* submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

[40] *See* proposed Article 6, Rules 11(c)(4) and (c)(5).

[41] *See* proposed Article 6, Rules 11(c)(1) and (c)(6). Further, any content completed by participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, the Exchange receives a Form U4 submitted by a member on behalf of Individual A requesting registration with the Exchange. The Form U4 discloses the statutory disqualification event. The Exchange would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with the Exchange, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with an Exchange member firm. *See* Exchange Act Sections 3(a)(39) and 15(b)(4).

been FSAWP participants immediately prior to the implementation date of the proposed rule change.[42]

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.[43] Additionally, the Exchange proposes making conforming amendments to Article 6, Rule 13, including adding references to proposed Article 6, Rule 11(c) under Interpretations and Policies .07 to Article 6, Rule 13. Finally, the Exchange proposes certain additional amendments to its rules to further align the Exchange's rules with those of FINRA, including making changes to certain rules to correct typographical and grammatical errors. More specifically, the Exchange proposes to amend current Article 6, Rule 11(a)(1) to clarify that the provisions under the rule apply to a ''Registered Person'' by inserting the word ''Registered'' in front of ''Person.''

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.[44] In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.[45]

d. CE Program Implementation

As stated in the FINRA Rule Change, FINRA and the CE Council also plan to enhance the CE Program in other ways, and these additional enhancements do not require any changes to the FINRA rules.[46] As it relates to the rule changes themselves, the FINRA changes relating to the Maintaining Qualifications Program and the Financial Services Affiliate Waiver Program (FSAWP) became effective on March 15, 2022.[47] The Exchange's proposed changes to the Maintaining Qualifications Program (paragraph (c) of Article 6, Rule 11 and Interpretations and Policies .07 and .08 to Article 6, Rule 11) and to the FSAWP (Interpretations and Policies .08 to Article 6, Rule 13) will become effective on the date this proposed rule change is filed. All other changes related to the FINRA Rule Change and to the Exchange's rules relating to the Regulatory Element, Firm Element and the two-year qualification period, will have an implementation date of January 1, 2023.[48]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[49] in general, and furthers the objectives of Section 6(b)(5),[50] in particular, because 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.

As noted above, the proposed rule change seeks to align the Exchange Rules with the recent change to FINRA rules which has been approved by the Commission.[51] The Exchange believes the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[52] which requires, among other things, that Exchange Rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(c)(3) of the Act,[53] which authorizes the Exchange to prescribe standards of training, experience and competence for persons associated with the Exchange.

The Exchange believes that the proposed change to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, the Exchange believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion

[42] *See* proposed Interpretations and Policies .07 to Article 6, Rule 11. Such individuals would be required to elect whether to participate by the effective date of the proposed rule change. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change becomes effective. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon the date the proposed rule change becomes effective. *See* proposed Interpretations and Policies .08 to Article 6, Rule 13. However, individuals who are FSAWP participants immediately prior to the effective date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. *See supra* note 8. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, the Exchange has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the effective date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the effective date of the proposed rule change would be subject to an annual Regulatory Element requirement. *See* proposed Article 6, Rule 11(a). Finally, the proposed rule change preserves the Exchange's ability to extend the time by which FSAWP participants must complete the Regulatory Element for good cause shown. *See* proposed Article 6, Rule 11(a)(1).

[43] *See* proposed Interpretations and Policies .08 to Article 6, Rule 11.

[44] *See* The Female Face of Family Caregiving (November 2018), available at *https://www.nationalpartnership.org/our-work/resources/economic-justice/femaleface-family-caregiving.pdf.*

[45] *See* The COVID–19 Recession is the Most Unequal in Modern U.S. History (September 30, 2020), available at *https://www.washingtonpost.com/graphics/2020/business/coronavirus-recessionequality/* and Unemployment's Toll on Older Workers Is Worst in Half a Century (October 21, 2020), available at *https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers.*

[46] *See supra* note 5. As described in more detail in the FINRA Rule Change, FINRA will work with the CE Council to develop and incorporate additional resources in connection with the Regulatory and Firm Elements. Similar to FINRA, these additional enhancements do not require any changes to the Exchange rules.

[47] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rulesguidance/notices/21-41.*

[48] *Id.*

[49] 15 U.S.C. 78f(b).

[50] 15 U.S.C. 78f(b)(5).

[51] *See supra* note 5.

[52] 15 U.S.C. 78f(b)(5).

[53] 15 U.S.C. 78f(c)(3).

in the securities industry without diminishing investor protection.

The Exchange believes the proposal is consistent with the Act for the reasons described above and for the reasons outlined in the approval order for SR–FINRA–2021–015.[54]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[55] and Rule 19b–4(f)(6) thereunder.[56]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing. In addition, Rule 19b–4(f)(6)(iii)[57] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

Waiver of the 30-day operative delay would allow the Exchange to more quickly align certain of its proposed changes with changes that FINRA implemented on March 15, 2022, thereby reducing the possibility of a significant regulatory gap between the FINRA and Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for registered persons of the Exchange that are also FINRA members. For this reason, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[58]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2022–11 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–2022–11. 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–2022–11 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12654 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

[54] *See supra* note 5.

[55] 15 U.S.C. 78s(b)(3)(A)(iii).

[56] 17 CFR 240.19b–4(f)(6).

[57] 17 CFR 240.19b–4(f)(6)(iii).

[58] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–359, OMB Control No. 3235–0410]

Submission for OMB Review; Comment Request: Extension; Rules 17h–1T and 17h–2T

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rules 17h–1T and 17h–2T (17 CFR 240.17h–1T and 17 CFR 240.17h–2T), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17h–1T requires a covered broker-dealer to maintain and preserve records and other information concerning certain entities that are associated with the broker-dealer. This requirement extends to the financial and securities activities of the holding company, affiliates and subsidiaries of the broker-dealer that are reasonably likely to have a material impact on the financial or operational condition of the broker-dealer. Rule 17h–2T requires a covered broker-dealer to file with the Commission quarterly reports and a cumulative year-end report concerning the information required to be maintained and preserved under Rule 17h–1T.

The collection of information required by Rules 17h–1T and 17h–2T, collectively referred to as the ''risk assessment rules,'' is necessary to enable the Commission to monitor the activities of a broker-dealer affiliate whose business activities are reasonably likely to have a material impact on the financial or operational condition of the broker-dealer. Without this information, the Commission would be unable to assess the potentially damaging impact of the affiliate's activities on the broker-dealer.

There are currently 235 respondents that must comply with Rules 17h–1T and 17h–2T. Each of these 235 respondents are estimated to require 10 hours per year to maintain the records required under Rule 17h–1T, for an aggregate estimated annual burden of 2,350 hours (235 respondents × 10 hours). In addition, each of these 235 respondents must make five annual responses under Rule 17h–2T. These five responses are estimated to require 14 hours per respondent per year for an aggregate estimated annual burden of 3,290 hours (235 respondents × 14 hours).

In addition, new respondents must draft an organizational chart required under Rule 17h–1T and establish a system for complying with the risk assessment rules. The staff estimates that drafting the required organizational chart requires one hour and establishing a system for complying with the risk assessment rules requires three hours. Based on the reduction in the number of filers in recent years, the staff estimates there will be zero new respondents, and thus, a corresponding estimated burden of zero hours for new respondents. Thus, the total compliance burden per year is approximately 5,640 burden hours (2,350 hours + 3,290 hours).

The retention period for the recordkeeping requirement for the information, reports and records required under Rule 17h–1T is not less than three years. There is no specific retention period or recordkeeping requirement for Rule 17h–2T. The collection of information is mandatory. All information obtained by the Commission pursuant to the provisions of Rules 17h–1T and 17h–2T from a broker or dealer concerning a material associated person is deemed confidential information for the purposes of section 24(b) of the Exchange Act.

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.

The public may view background documentation for this information collection at the following website: >*www.reginfo.gov*<. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by July 13, 2022. >*MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*< and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 7, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12627 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95058; File No. SR–MEMX–2022–15]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

June 7, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 1, 2022, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on June 1, 2022. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to:

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

(i) adopt a new tier under the Liquidity Provision Tiers; (ii) modify the required criteria under one of the existing Liquidity Provision Tiers; and (iii) modify the required criteria and reduce the rebate provided under Non-Display Add Tier 1, each as further described below.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 16% of the total market share of executed volume of equities trading.[4] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 4% of the overall market share.[5] The Exchange in particular operates a ''Maker-Taker'' model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Adoption of New Liquidity Provision Tier

The Exchange currently provides a standard rebate of $0.0020 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume''). The Exchange also currently offers Liquidity Provision Tiers 1, 2 and 3, under which a Member may receive an enhanced rebate for executions of Added Displayed Volume by achieving the corresponding required volume criteria for each tier. The Exchange now proposes to adopt a new tier under the Liquidity Provision Tiers, which, as proposed, would be the new Liquidity Provision Tier 1, and the current Liquidity Provision Tiers 1, 2 and 3 would be renumbered as Liquidity Provision Tiers 2, 3 and 4 (hereinafter referred to as such). The applicable rebates and required criteria under Liquidity Provision Tiers 2, 3 and 4 would remain unchanged, except for the required criteria under Liquidity Provision Tier 2, which the Exchange is proposing to modify, as further described below.

Under the proposed new Liquidity Provision Tier 1, the Exchange will provide an enhanced rebate of $0.00335 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving a Displayed ADAV[6] that is equal to or greater than 0.40% of the TCV.[7] The Exchange proposes to provide Members that qualify for the proposed new Liquidity Provision Tier 1 a rebate of 0.05% of the total dollar volume of the transaction for executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange, which is the same rebate that is currently applicable to such executions for all Members. The proposed new Liquidity Provision Tier 1 is designed to encourage Members to maintain or increase their order flow that adds displayed liquidity to the Exchange in order to qualify for the proposed enhanced rebate for executions of Added Displayed Volume, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants.

Modify Required Criteria Under Liquidity Provision Tier 2

The Exchange is also proposing to modify the required criteria under Liquidity Provision Tier 2. Currently, a Member qualifies for such tier by achieving an ADAV that is equal to or greater than 0.25% of the TCV. The Exchange proposes to keep this criteria intact and adopt an additional (*i.e.,* alternative) criteria that a Member may achieve in order to qualify for such tier. Specifically, the Exchange proposes to modify the required criteria such that a Member would also qualify for Liquidity Provision Tier 2 by achieving: (i) an ADAV that is equal to or greater than 0.15% of the TCV; and (ii) a Step-Up ADAV[8] from May 2022 that is equal to or greater than 0.05% of the TCV. Thus, such proposed change would add an alternative criteria that includes a lower overall ADAV threshold but that also requires such Member to increase its ADAV above its May 2022 ADAV by a specified threshold. The Exchange notes that it is not proposing to change the rebates provided under Liquidity Provision Tier 2.

The Exchange believes that the proposed alternative criteria provides an incremental incentive for Members to strive for higher ADAV on the Exchange (above their ADAV in the month immediately preceding the effectiveness of this proposal—*i.e.,* May 2022) to receive the corresponding enhanced rebate for executions of Added Displayed Volume under such tier, and thus, it is designed to encourage Members that do not currently qualify for such tier to increase their orders that add liquidity to the Exchange. The Exchange believes that the tier, as proposed, would further incentivize increased order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange notes that, as the proposed change to the

[4] Market share percentage calculated as of May 31, 2022. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[5] *Id.*

[6] As set forth on the Fee Schedule, ''ADAV'' means the average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis, and ''Displayed ADAV'' means ADAV with respect to displayed orders.

[7] As set forth on the Fee Schedule, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. The pricing for the proposed new Liquidity Provision Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 1'' with a Fee Code of ''B1'', ''D1'' or ''J1'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members. The Exchange notes that because the determination of whether a Member qualifies for a certain pricing tier for a particular month will not be made until after the month-end, the Exchange will provide the Fee Codes otherwise applicable to such transactions on the execution reports provided to Members during the month and will only designate the Fee Codes applicable to the achieved pricing tier on the monthly invoices, which are provided after such determination has been made, as the Exchange does for its tier-based pricing today. The Exchange also notes that the pricing for Liquidity Provision Tiers 2 and 3 will be referred to under the existing applicable descriptions and Fee Codes, and the pricing for Liquidity Provision Tier 4 will be referred to by the Exchange under the new description ''Added displayed volume, Liquidity Provision Tier 4'' with a Fee Code of ''B4'', ''D4'' or ''J4'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[8] As set forth on the Fee Schedule, ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

required criteria under Liquidity Provision Tier 2 merely provides an alternative criteria and does not change the existing criteria, the Exchange believes that such change would make the tier easier for Members to achieve, and, in turn, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will strive to qualify for such tier than currently do, resulting in the submission of additional order flow to the Exchange.

Reduce Rebate and Modify Criteria Under Non-Display Add Tier 1

Lastly, the Exchange proposes to modify the required criteria and reduce the rebate provided under Non-Display Add Tier 1. Currently, a Member qualifies for Non-Display Add Tier 1 by achieving a Non-Displayed ADAV [9] that is equal to or greater than 5,000,000 shares, and the Exchange provides a rebate of $0.0028 per share for a qualifying Member's executions of orders in securities priced at or above $1.00 per share that add non-displayed liquidity to the Exchange (such orders, ''Added Non-Displayed Volume''). Now, the Exchange proposes to lower the Non-Displayed ADAV threshold such that a Member would qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 3,000,000 shares. The Exchange also proposes to reduce the rebate for a qualifying Member's executions of Added Non-Displayed Volume to $0.0027 per share.[10] The Exchange is not proposing to change the rebate provided under such tier for executions of orders in securities priced below $1.00 per share.

The Exchange notes that the proposed change to the required criteria under Non-Display Add Tier 1 would lower the Non-Displayed ADAV threshold, which the Exchange believes would make such tier easier for Members to achieve, and, in turn, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will strive to qualify for such tier than currently do, resulting in the submission of additional order flow to the Exchange. The purpose of reducing the rebate provided for executions of Added Non-Displayed Volume under such tier as proposed (*i.e.,* by $0.0001 per share), which the Exchange believes is a modest reduction and is commensurate with the proposed lower Non-Displayed ADAV threshold, is for business and competitive reasons, as the Exchange believes that such reduction would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[11] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct additional orders that add liquidity to the Exchange, which the Exchange believes would deepen liquidity and promote price discovery and market quality on the Exchange to the benefit of all market participants, thereby enhancing the attractiveness of the Exchange as a trading venue.

The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and the introduction of higher volumes of orders into the price and volume discovery process. The Exchange believes that the proposed new Liquidity Provision Tier 1 is reasonable, equitable and not unfairly discriminatory for these same reasons, as it would provide Members with an additional incentive to achieve a certain volume threshold on the Exchange, is available to all Members on an equal basis, and, as noted above, is designed to encourage Members to maintain or increase their orders that add displayed liquidity to the Exchange in order to qualify for the enhanced rebate for executions of Added Displayed Volume, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange also believes the enhanced rebate for executions of Added Displayed Volume under the proposed new Liquidity Provision Tier 1 reflects a reasonable and equitable allocation of fees and rebates because it is higher than the rebates provided for such executions under Liquidity Provision Tiers 2, 3 and 4, which have lower volume thresholds as their required criteria, and is commensurate with its required criteria and the market quality benefits it is designed to achieve, as described above.

The Exchange believes that the proposed change to modify the required criteria under Liquidity Provision Tier 2 is reasonable because, as noted above, such change would keep the existing

[9] As set forth on the Fee Schedule, ''Non-Displayed ADAV'' means ADAV with respect to non-displayed orders (including Midpoint Peg orders).

[10] The proposed pricing for Non-Display Add Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added non-displayed volume, Non-Display Add Tier 1'' with a Fee Code of ''H1'' or ''M1'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

ADAV threshold intact and also provide an alternative criteria that a Member may choose to achieve that includes a lower overall ADAV threshold but that also requires such Member to increase its ADAV above its May 2022 ADAV by a specified threshold, which would incentivize the submission of additional order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange also believes the proposed new criteria is equitable and not unfairly discriminatory because all Members will continue to be eligible to meet such criteria, including the Members that currently meet the existing ADAV threshold that is not changing. Further, as noted above, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will strive to qualify for such tier under the proposed new criteria, which is more expansive.

The Exchange also believes that the proposed change to modify the required criteria under Non-Display Add Tier 1 is reasonable, equitable and not unfairly discriminatory because, as noted above, it would lower the Non-Displayed ADAV threshold, which the Exchange believes would make such tier easier for Members to achieve, and all Members will continue to be eligible to meet such criteria. As described above, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will strive to qualify for such tier than currently do. The Exchange also believes that the proposed change to reduce the rebate provided under Non-Display Add Tier 1 is reasonable, equitable and not unfairly discriminatory because, as noted above, the Exchange believes that reducing the rebate as proposed (*i.e.,* by $0.0001 per share) is a modest reduction, is commensurate with the proposed lower Non-Displayed ADAV threshold, and would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to incentivize market participants to direct additional orders that add liquidity to the Exchange, thereby deepening liquidity and promoting price discovery and market quality on the Exchange to the benefit of all market participants, as well as to decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [15]

Intramarket Competition

As discussed above, the Exchange believes that the proposal would incentivize Members to submit additional orders that add liquidity to the Exchange, thereby contributing to a deeper and more liquid market and promoting price discovery and market quality on the Exchange to the benefit of all market participants as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants. The opportunity to qualify for the new Liquidity Provision Tier 1 and the modified criteria under Liquidity Provision Tier 2 and Non-Display Add Tier 1, and thus receive the corresponding rebates for executions of Added Displayed Volume and Added Non-Displayed Volume, respectively, would be available to all Members that meet the associated volume requirements in any month. As described above, the Exchange believes that the proposed new required criteria under both Liquidity Provision Tier 2 and Non-Display Add Tier 1 would make such tiers easier to qualify for, as the proposed changes either add an alternative criteria (while keeping the existing criteria intact) or lower the required volume threshold, and the Exchange believes that all such proposed new criteria are reasonably related to the enhanced liquidity and market quality that such tiers are designed to promote. Additionally, as noted above, the proposed reduced rebate for executions of Added Non-Displayed Volume under Non-Display Add Tier 1 would continue to apply equally to all Members in the same manner as it does today, except that qualification for the tier would be easier due to the lowered volume threshold, and the Exchange believes that such rebate represents only a modest reduction from the current rebate provided under the tier for executions of Added Non-Displayed Volume and is commensurate with the proposed lowered volume threshold. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 16% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See supra* note 13.

that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, including with respect to executions of Added Displayed Volume and Added Non-Displayed Volume, and market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed changes represent a competitive proposal through which the Exchange is seeking to decrease the Exchange's expenditures with respect to its transaction pricing and to encourage additional order flow to the Exchange through volume-based tiers, which have been widely adopted by exchanges, including the Exchange. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar pricing incentives to market participants that achieve certain volume criteria and thresholds.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [16] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[17] Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [18] and Rule 19b–4(f)(2) [19] 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MEMX–2022–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MEMX–2022–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2022–15 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12653 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

[16] *See supra* note 13.

[17] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4(f)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95062; File No. SR–NYSENAT–2022–07]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule of Amendments to the Exchange's Rules Regarding Continuing Education Requirements

June 7, 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 25, 2022, NYSE National, Inc. (''NYSE

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

National'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to the Exchange's rules regarding continuing education requirements (Rule 2.2(e)) applicable to ETP Holders. The proposed rule change also makes conforming amendments to the Exchange's rules regarding registration requirements (Rule 2.1210). Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its continuing education requirements in Rule 2.2(e) and amend related registration requirements provided under various Commentaries to Rule 2.1210. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and is intended to harmonize the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities industry.[4] The proposed rule change is discussed in detail below.

The proposed changes are based on the changes approved by the Commission in the approval order for SR–FINRA–2021–015.[5] The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA, with only minor changes necessary to conform to the Exchange's existing rules such as to remove cross-references and rules that are applicable to FINRA members but not to Exchange members.

Continuing Education Rules

(i) Background

The continuing education program for registered persons of broker-dealers (''CE Program'') currently requires registered persons to complete continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element, which is administered by FINRA on behalf of the Exchange, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations (''SROs''). The CE Program for registered persons of Exchange members is codified under 2.2(e).[6]

a. Regulatory Element

Rule 2.2(e)(1) (Regulatory Element) currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.[7] The Exchange may extend these time frames for good cause shown.[8] Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their Exchange registrations deemed inactive and will be designated as ''CE inactive'' in the CRD system until the requirements of the Regulatory Element have been satisfied.[9] A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).[10]

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.[11] While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.[12]

The Regulatory Element was originally designed at a time when most individuals had to complete the

[4] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Rule Change'').

[5] *Id.*

[6] *See also* Commentary .06 to Rule 2.1210 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

[7] *See* Rule 2.2(e)(1)(A) and (1)(D). An individual's registration anniversary date is generally the date they initially registered with the Exchange in the Central Registration Depository (''CRD®'') system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Commentary .08 to Rule 2.1210 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of an ETP Holder) (''FSAWP participants'') are also subject to the Regulatory Element. The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Rule 2.2(e)(1)(C) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

[8] *See* Rule 2.2(e)(1)(B) (Failure to Complete).

[9] *Id.* Individuals must complete the entire Regulatory Element session to be considered to have ''completed'' the Regulatory Element; partial completion is the same as non-completion.

[10] This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

[11] The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

[12] The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform (''CE Online''), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Rule 2.2(e)(2) (Firm Element) currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.[13] The rule requires firms to conduct an annual needs analysis to determine the appropriate training.[14] Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) general investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.[15]

A firm, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (''AML'') compliance program and training relating to the annual compliance meeting, for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-level examination or if they obtain a waiver of such examination(s) (the ''two-year qualification period'').[16] The two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (''CE Council'') and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (''NASAA''), FINRA adopted the following changes to the CE Program under its rules.[17] In order to promote uniform standards across the securities industry, the Exchange now proposes to adopt substantially similar changes to its continuing education rules.

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.[18] Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, the Exchange proposes amending Rule 2.2(e)(1) to require registered persons to complete the Regulatory Element annually by December 31.[19] The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.[20] Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.[21] For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.[22] In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial

[13] The rule defines ''covered registered persons'' as any registered person who has direct contact with customers in the conduct of a member's securities sales and trading activities, and the immediate supervisors of any such persons. *See* Rule 2.2(e)(2)(A) (Persons Subject to the Firm Element).

[14] *See* Rule 2.2(e)(2)(B) (Standards for the Firm Element).

[15] *Id.*

[16] *See* Commentary .07 to Rule 2.1210 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date the Exchange receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (''SIE'') examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked pursuant to Rule 10.8310 (Sanctions for Violation of the Rules) may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Commentary .02 to Rule 2.1210 (Qualification Examinations and Waivers of Examinations) or as part of the waiver program under Commentary .08 to Rule 2.1210.

[17] *See supra* note 4. FINRA's changes are based on the CE Council's September 2019 recommendations to enhance the CE Program. *See* Recommended Enhancements for the Securities Industry Continuing Education Program, available at *http://cecouncil.org/media/266634/council-recommendations-final-.pdf.* The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

[18] When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. *See* Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR–AMEX–94–59; SR–CBOE–94–49; SR–CHX–94–27; SR–MSRB–94–17; SR–NASD–94–72; SR–NYSE–94–43; SR–PSE–94–35; and SR–PHLX–94–52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33).

[19] *See* proposed Rules 2.2(e)(1)(A) and (1)(D).

[20] *See* proposed Rules 2.1210, Commentary .06 and 2.2(e)(1)(A).

[21] *See* proposed Rules 2.2(e)(1)(A) and (1)(D).

[22] *See* proposed Rule 2.2(e)(1)(A).

Regulatory Element for that registration category in the next calendar year following their reregistration.[23]

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.[24] However, the proposed rule change preserves the Exchange's ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.[25]

The Exchange also proposes amending Rule 2.2(e)(1) to clarify that: (1) individuals who are designated as CE inactive would be required to complete all of their pending and upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive period, to return to active status; [26] (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations; [27] (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by the Exchange; [28] (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration category, whichever is applicable; [29] and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal. In addition, the Exchange proposes making conforming amendments to Commentary .07 to Rule 2.1210.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.[30] However, individuals with multiple registrations would not be subject to duplicative regulatory content in any given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Exchange's rulebook with FINRA's rulebook, and, in addition, to better align the Firm Element requirement with other required training, the Exchange proposes amending Rule 2.2(e)(2) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[31] The Exchange also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Commentary .01 to Rule 2.1210 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[32] In conjunction with this proposed change, the Exchange proposes modifying the current minimum training criteria under Rule 2.2(e)(2) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.[33]

c. Maintenance of Qualification After Termination of Registration

The Exchange proposes adopting paragraph (3) under Rule 2.2(e) and Commentaries .09 and .10 to Rule 2.2 to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any of the terminated registrations by completing continuing education.[34] The proposed rule change would not eliminate the two-year qualification period. Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category; [35]
- individuals could elect to participate when they terminate a

[23] *See* proposed Rule 2.2(e)(1)(D).

[24] *See* proposed Rule 2.2(e)(1)(B).

[25] *Id.* The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

[26] *See* proposed Rule 2.2(e)(1)(B).

[27] *See* proposed Rule 2.2(e)(1)(B).

[28] *See* proposed Rule 2.2(e)(1)(C). As previously noted, Rule 2.2(e)(1)(C) currently provides that such individuals may be required to retake the Regulatory Element. *See supra* note 7.

[29] *See* proposed Rule 2.2(e)(1)(D).

[30] As discussed in the economic impact assessment in the FINRA Rule Change, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

[31] *See* proposed Rule 2.2(e)(2)(B)(iv).

[32] *See* proposed Rule 2.2(e)(2)(A). As noted earlier, the current requirement only applies to ''covered registered persons'' and not all registered persons.

[33] *See* proposed Rule 2.2(e)(2)(B)(ii).

[34] The proposed option would also be available to individuals who terminate any permissive registrations as provided under Commentary .01 to Rule 2.1210. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

[35] *See* proposed Rule 2.2(e)(3)(A).

registration or within two years from the termination of a registration; [36]

- individuals would be required to complete annually all prescribed continuing education; [37]
- individuals would have a maximum of five years in which to reregister; [38]
- individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue; [39] and
- individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.[40]

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the implementation date of the proposed rule change and individuals who have been FSAWP participants immediately prior to the implementation date of the proposed rule change.[41]

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.[42] Additionally, the Exchange proposes making conforming amendments to Rule 2.1210, including adding references to proposed Rule 2.2(e)(3) under Commentary .07 to Rule 2.1210. Finally, the Exchange proposes certain additional amendments to its rules to further align the Exchange's rules with those of FINRA, including making changes to certain rules to correct typographical and grammatical errors. More specifically, the Exchange proposes to amend current Rule 2.2(e)(1)(B) to clarify that the provisions under the rule apply to a ''registered person'' by inserting the word ''registered'' in front of ''person.''

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.[43] In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.[44]

d. CE Program Implementation

As stated in the FINRA Rule Change, FINRA and the CE Council also plan to enhance the CE Program in other ways, and these additional enhancements do

[36] *See* proposed Rule 2.2(e)(3)(B). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

[37] *See* proposed Rule 2.2(e)(3)C). However, upon a participant's request and for good cause shown, the Exchange would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from the Exchange. The continuing education content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog. The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

[38] *See* proposed 2.2(e)(3). In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (*e.g.,* submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

[39] *See* proposed Rules 2.2(e)(3)(D) and (3)(E).

[40] *See* proposed Rules 2.2(e)(3)(A) and (3)(F). Further, any content completed by participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, the Exchange receives a Form U4 submitted by a member on behalf of Individual A requesting registration with the Exchange. The Form U4 discloses the statutory disqualification event. The Exchange would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with the Exchange, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with an Exchange member firm. *See* Exchange Act Sections 3(a)(39) and 15(b)(4).

[41] *See* proposed Commentary .09 to Rule 2.2. Such individuals would be required to elect whether to participate by the effective date of the proposed rule change. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change becomes effective. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon the date the proposed rule change becomes effective. *See* proposed Commentary .08 to Rule 2.1210. However, individuals who are FSAWP participants immediately prior to the effective date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. *See supra* note 7. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, the Exchange has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the effective date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the effective of the proposed rule change would be subject to an annual Regulatory Element requirement. *See* proposed Rule 2.2(e)(1)(A). Finally, the proposed rule change preserves the Exchange's ability to extend the time by which FSAWP participants must complete the Regulatory Element for good cause shown. *See* proposed Rule 2.2(e)(1)(B).

[42] *See* proposed Commentary .10 to Rule 2.2.

[43] *See* The Female Face of Family Caregiving (November 2018), available at *https://www.nationalpartnership.org/our-work/resources/economic-justice/femaleface-family-caregiving.pdf.*

[44] *See* The COVID–19 Recession is the Most Unequal in Modern U.S. History (September 30, 2020), available at *https://www.washingtonpost.com/graphics/2020/business/coronavirus-recessionequality/* and Unemployment's Toll on Older Workers Is Worst in Half a Century (October 21, 2020), available at *https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers.*

not require any changes to the FINRA rules.[45] As it relates to the rule changes themselves, the FINRA changes relating to the Maintaining Qualifications Program and the Financial Services Affiliate Waiver Program (FSAWP) became effective on March 15, 2022.[46] The Exchange's proposed changes to the Maintaining Qualifications Program (paragraph (3) under Rule 2.2(e) and Commentary .09 and .10 to Rule 2.2) and to the FSAWP (Commentary .08 to Rule 2.1210) will become effective on the date this proposed rule change is filed. All other changes related to the FINRA Rule Change and to the Exchange's rules relating to the Regulatory Element, Firm Element and the two-year qualification period, will have an implementation date of January 1, 2023.[47]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[48] in general, and furthers the objectives of Section 6(b)(5),[49] in particular, because 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.

As noted above, the proposed rule change seeks to align the Exchange Rules with the recent change to FINRA rules which has been approved by the Commission.[50] The Exchange believes the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[51] which requires, among other things, that Exchange Rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(c)(3) of the Act,[52] which authorizes the Exchange to prescribe standards of training, experience and competence for persons associated with the Exchange.

The Exchange believes that the proposed change to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, the Exchange believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion in the securities industry without diminishing investor protection.

The Exchange believes the proposal is consistent with the Act for the reasons described above and for the reasons outlined in the approval order for SR–FINRA–2021–015.[53]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the CE program requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[54] and Rule 19b–4(f)(6) thereunder.[55]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing. In addition, Rule 19b–4(f)(6)(iii)[56] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

Waiver of the 30-day operative delay would allow the Exchange to more quickly align certain of its proposed changes with changes that FINRA implemented on March 15, 2022, thereby reducing the possibility of a significant regulatory gap between the FINRA and Exchange rules, providing more uniform standards across the securities industry, and helping to avoid confusion for registered persons of the Exchange that are also FINRA members. For this reason, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[57]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[45] *See supra* note 4. As described in more detail in the FINRA Rule Change, FINRA will work with the CE Council to develop and incorporate additional resources in connection with the Regulatory and Firm Elements. Similar to FINRA, these additional enhancements do not require any changes to the Exchange rules.

[46] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rulesguidance/notices/21-41.*

[47] *Id.*

[48] 15 U.S.C. 78f(b).

[49] 15 U.S.C. 78f(b)(5).

[50] *See supra* note 4.

[51] 15 U.S.C. 78f(b)(5).

[52] 15 U.S.C. 78f(c)(3).

[53] *See supra* note 4.

[54] 15 U.S.C. 78s(b)(3)(A)(iii).

[55] 17 CFR 240.19b–4(f)(6).

[56] 17 CFR 240.19b–4(f)(6)(iii).

[57] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2022–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2022–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–NYSENAT–2022–07 and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12649 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95060; File No. SR-CboeEDGX–2022–029]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

June 7, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2022, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*) [sic], at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''EDGX Equity'') to modify certain tiers offered under the Add/Remove Volume Tiers, including certain Add Volume Tiers, a Growth Tier, and a Remove Volume Tier. The Exchange proposes to implement these changes effective June 1, 2022.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 17% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity. For orders in securities priced below $1.00, the Exchange provides a standard rebate of $0.00009 per share for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher

[58] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 30, 2022), available at *https://www.cboe.com/us/equities/market_statistics/.*

rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Modifications To Add Volume Tiers

Under footnote 1 of the Fee Schedule, the Exchange currently offers various Add/Remove Volume Tiers. In particular, the Exchange offers four Add Volume Tiers that each provide an enhanced rebate for Members' qualifying orders yielding fee codes B [4], V [5], Y [6], 3 [7] or 4 [8], where a Member reaches certain add volume-based criteria. Specifically, the Add Volume Tiers are as follows:

- Tier 1 offers an enhanced rebate of $0.0020 per share for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV [9] greater than or equal to 0.20% of the TCV.[10]
- Tier 2 offers an enhanced rebate of $0.0023 per share for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV greater than or equal to 0.30% of the TCV.
- Tier 3 offers an enhanced rebate of $0.0027 per share for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV greater than or equal to 0.40% of the TCV.
- Tier 4 offers an enhanced rebate of $0.0029 per share for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV greater than or equal to 0.65% of the TCV.

The Exchange now proposes to modify Tier 2, remove existing Tier 3, and, consequently, renumber Tier 4. Specifically, as proposed, the Tiers would provide for the following:

- Proposed Tier 2 would offer an enhanced rebate of $0.0027 per share (instead of $0.0023 per share) for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV greater than or equal to 0.28% of the TCV (instead of 0.30% of the TCV) or Member adds an ADV greater than or equal to 30,000,000 (not a criteria in current Tier 2).
- Proposed Tier 3 (current Tier 4) would offer an enhanced rebate of $0.0029 per share for qualifying orders (*i.e.,* yielding fee codes B, V, Y, 3 or 4) where a Member adds an ADV greater than or equal to 0.65% of the TCV.

Although the Exchange proposes to eliminate the current Tier 3, thus limiting the amount of available Add Volume Tiers and corresponding rebates available to Members, the Exchange proposes to increase the rebate in Tier 2, slightly ease the percentage of ADV over TCV, and provide an additional prong of criteria for Members to qualify for the enhanced rebate under proposed Tier 2, which serves to incentivize market participants to provide additional displayed liquidity on the Exchange, thereby contributing to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange. The Exchange does not propose any changes to the current Add Volume Tier 1.

Modification to Growth Volume Tier 4

In addition to the Add/Remove Volume Tiers under footnote 1 of the Fee Schedule, the Exchange offers four Growth Tiers that each provide an enhanced rebate for Members' qualifying orders yielding fee codes B, V, Y, 3 or 4, where a Member reaches certain add volume-based criteria, including ''growing'' its volume over a certain baseline month. Currently, Growth Tier 4 provides an enhanced rebate of $0.0034 per share to MPIDs that (1) add a Step-Up ADAV from October 2021 equal to or greater than 0.10% of the TCV [11] or MPIDs that add a Step-Up ADAV from October 2021 equal to or greater than 16 million shares; and (2) MPIDs that add an ADV [12] equal to or greater than 0.30% of TCV or MPIDs that add an ADV equal to or greater than 30 million shares. The Exchange now proposes to amend the criteria in prong 2 of Growth Tier 4 by increasing the second add ADV criteria from greater than or equal to 30 million shares to 35 million shares.

The Exchange notes that the purpose of the Growth Volume Tiers is to encourage MPIDs to grow their volume on the Exchange as compared to a baseline month. By increasing one of the add ADV criteria in the second prong of Growth Volume Tier 4 while keeping the enhanced rebate the same, the proposed rule change slightly increases the current criteria's difficulty, which is intended to encourage liquidity adding MPIDs on the Exchange to strive to reach Growth Tier 4 by increasing the provision of liquidity to the Exchange, which increases execution opportunities and provides for overall enhanced price discovery and price improvement opportunities on the Exchange. Increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

Modification To Remove Volume Tier

The Exchange also offers two Remove Volume Tiers under the Add/Remove Volume Tiers in footnote 1 of the Fee Schedule. The Remove Volume Tiers each assess a reduced fee for Members' qualifying orders yielding fee codes BB [13], N [14] and W [15] where a Member reaches certain add volume-based criteria. Specifically, the Exchange proposes to amend Remove Volume Tier 1, which currently offers a reduced fee of $0.00275 per share in securities priced above $1.00 and 0.28% of the total dollar value in securities priced below $1.00 for qualifying orders (*i.e.,* yielding fee codes BB, N or W) where (1) Member adds a Step-Up ADAV [16] from June 2021 greater than or equal to 0.10% of the TCV or Member adds a Step-Up ADAV from June 2021 greater than or equal to 8,000,000; and (2) Member has a total remove ADV greater than or equal to 0.60% of the TCV or Member has a total remove ADV greater than or equal to 60,000,000. The Exchange proposes to amend the criteria in the second prong of Remove Volume Tier 1 by decreasing the second ADV remove criteria from a total remove ADV of greater than or equal to 60,000,000 to a total remove ADV of greater than or equal to 45,000,000.

[4] Orders yielding Fee Code ''B'' are orders adding liquidity to EDGX (Tape B).

[5] Orders yielding Fee Code ''V'' are orders adding liquidity to EDGX (Tape A).

[6] Orders yielding Fee Code ''Y'' are orders adding liquidity to EDGX (Tape C).

[7] Orders yielding Fee Code ''3'' are orders adding liquidity to EXGX in the pre and post market (Tapes A or C).

[8] Orders yielding Fee Code ''4'' are orders adding liquidity to EDGX in the pre and post market (Tape B).

[9] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day.

[10] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[11] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[12] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[13] Orders yielding fee code ''BB'' are orders removing liquidity from EDGX (Tape B).

[14] Orders yielding fee code ''N'' are orders removing liquidity from EDGX (Tape C).

[15] Orders yielding fee code ''W'' are orders removing liquidity from EDGX (Tape A).

[16] ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV. ''ADAV'' means average daily volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

The proposed amendment to Remove Volume Tier 1 would lessen the difficulty of the existing criteria while keeping the reduced fee the same. The Exchange believes lowering the total remove ADV criteria in the second prong of Remove Volume Tier 1 without changing the reduced fee available to Members will encourage Members to strive to meet the criteria by removing liquidity on the Exchange to receive the same reduced fee. An increase in remove liquidity on the Exchange signals an overall increase in activity from other market participants, contributes to a deeper, more liquid market and provides additional execution opportunities for active market participants, which benefits the entire market system. The Exchange does not propose any changes to current Remove Volume Tier 2.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the objectives of Section 6 of the Securities and Exchange Act of 1933 (the ''Act''),[17] in general, and furthers the objectives of Section 6(b)(4),[18] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [19] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

The Exchange believes that the proposed changes to certain Add/Remove Volume Tiers, specifically, Add Volume Tiers 2 and 3, Remove Volume Tier 1, and Growth Tier 4, are reasonable, equitable and not unfairly discriminatory because each tier, as modified, continues to be available to all Members and provide Members an opportunity to receive an enhanced rebate or a reduced fee. As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds. Specifically, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[20] including the Exchange,[21] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels or liquidity provision and/or growth thresholds, as well as assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes the proposed rule changes to certain Add/Remove Volume Tiers are reasonable because the tiers will continue to provide Members with an opportunity to receive an enhanced rebate or reduced fee by encouraging Members to increase their order flow to the Exchange. In particular, the Exchange believes that the changes to the Add Volume Tiers will provide reasonable means for Members to receive an enhanced rebate for adding liquidity on the Exchange. While the Exchange has proposed to remove the existing Tier 3, it believes that by proposing to lower the percentage of ADV over TCV in Tier 2 and proposing to add an additional ADV criteria to Tier 2, Members will continue to be incentivized to provide liquidity adding volume to the Exchange. The Exchange also believes that the proposed enhanced rebate for Add Volume Tier 2 continues to be commensurate with the proposed criteria. That is, the rebate reasonably reflects the difficulty in achieving the applicable criteria as amended. Furthermore, the Exchange believes that the proposed increase to one of the ADV criteria in Growth Tier 4 is reasonable because the proposal represents a modest increase in volume as compared to the previous criteria. The Growth Tiers incentivize Members to grow their add volume as compared to a baseline month in order to receive an enhanced rebate and the proposed increase in add ADV represents a reasonable incentive for MPIDs to increase their liquidity adding order flow in order to receive an enhanced rebate that reasonably reflects the difficulty in achieving the criteria. Additionally, the Exchange believes the proposed lower one of the remove ADV criteria in Remove Volume Tier 1 is reasonable because it will encourage Members to increase their remove volume on the Exchange, as the proposed change will make it easier for Members to receive a reduced fee for removing liquidity on the Exchange. The Exchange believes the proposed changes to the Add/Remove Volume Tiers are reasonably designed overall to incentivize Members to continue to add and remove liquidity on the Exchange, thus deepening the Exchange's liquidity pool, offering additional cost savings to Members, supporting the quality of price discovery, promoting market transparency, and improving market quality for all investors.

The Exchange believes the proposed changes to the various Add/Remove Volume Tiers represent an equitable allocation of rebates and fees and are not unfairly discriminatory because all Members are eligible for those tiers and would have the opportunity to meet a tier's criteria and would receive the proposed enhanced rebate or reduced fee if such criteria is met. Without having a view of activity on other market and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tiers. While the Exchange has no way of predicting with certainty how the proposed tiers will impact Member activity, the Exchange anticipates that at least one Member will be able to satisfy the criteria proposed for Add Volume Tier 2, Remove Volume Tier 1, and Growth Tier 4. The Exchange also notes that the proposed changes will not adversely

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(4).

[19] 15 U.S.C. 78f(b)(5).

[20] *See* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[21] *See* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

impact any Member's ability to qualify for other reduced fee or enhanced rebated tiers. Should a Member not meet the proposed criteria under the modified tier, the Member will merely not receive that corresponding enhanced rebate or reduced fee. The Exchange also believes the proposal to eliminate a tier is equitable and not unfairly discriminatory because it applies to all Members, in that, such tier will not be available for any Member. The Exchange believes that the proposed changes to the Add/Remove Volume Tiers will benefit all market participants by incentivizing continuous liquidity and, thus, deeper more liquid markets as well as increased execution opportunities. Particularly, the proposals are designed to incentivize liquidity, which further contributes to a deeper, more liquid market and provide even more execution opportunities for active market participants at improved prices. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

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. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed tier changes will apply to all Members equally in that all Members will continue to be eligible for Add Tier 2, Remove Volume Tier 1 and Growth Tier 4, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebate or reduced fee on their qualifying orders if such criteria are met. Also, as stated above, the proposal to eliminate a tier applies to all Members, in that, such tier will not be available for any Member. The Exchange does not believe the proposed changes burden competition, but rather, enhance competition as they are intended to increase the competitiveness of EDGX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 17% of the market share.[22] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [23] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.'. . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .''.[24]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 [26] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeEDGX–2022–029 on the subject line.

[22] *Supra* note 3.

[23] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[24] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (DC Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca-2006–21)).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2022–029. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2022–029, and should be submitted on or before July 5, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12647 Filed 6–10–22; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36622]

Evansville Western Railway, Inc.—Temporary Trackage Rights Exemption—Illinois Central Railroad Company

Evansville Western Railway, Inc. (EVWR), a Class II railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(8) for the acquisition of temporary trackage rights, for overhead operations, over approximately 11.7 miles of rail line owned by Illinois Central Railroad Company (CN) between Sugar Camp, Ill., at milepost 61.9, and Dial, Ill., at milepost 73.6, pursuant to the terms of a written temporary trackage rights agreement dated May 23, 2022 (Agreement).[1]

EVWR states that the purpose of the temporary trackage rights is to allow it to load unit coal trains at Pond Creek Mine near Dial until EVWR's service at the Sugar Camp Mine can be restored following closure due to a mine fire and the unrelated, but necessary, relocation of long wall mining equipment.[2] According to EVWR, the temporary trackage rights will expire and terminate on the earlier of: (i) July 15, 2022, or (ii) the re-opening of the Sugar Camp Mine ''with sufficient production to fulfill the required requested loadings of unit trains of coal.''

EVWR concurrently filed a petition for waiver of the 30-day period under 49 CFR 1180.4(g)(1) to allow the proposed temporary trackage rights to become effective immediately. By decision served June 8, 2022, the Board granted EVWR's request. As a result, this exemption is now effective.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption.

All pleadings, referring to Docket No. FD 36622, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on EVWR's representative, William A. Mullins, Baker & Miller PLLC, Suite 300, 2401 Pennsylvania Ave. NW, Washington, DC 20037.

According to EVWR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting under 49 CFR 1105.8(b)(3).

Board decisions and notices are available at *www.stb.gov.*

Decided: June 8, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–12702 Filed 6–10–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0046]

Palmetto Railways Request for Approval of a Railroad Safety Program Plan and Product Safety Plan

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on August 18, 2021, Palmetto Railways submitted a request for FRA approval of its Railroad Safety Program Plan (RSPP) and Product Safety Plan (PSP) for use of the RailSoft TrackAccess system in autonomous mode on its Charity Church Subdivision. As this request for FRA's approval involves a railroad's PSP, FRA is publishing this notice and inviting public comment on the document.

DATES: Written comments must be received on or before July 28, 2022. FRA will consider comments filed after this date to the extent practicable.

ADDRESSES: *Comments:* Comments related to this Notice may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FRA–2022–0046). Please note that comments submitted online via *www.regulations.gov* are not

[27] 17 CFR 200.30–3(a)(12).

[1] A redacted copy of the Agreement is attached to the verified notice. An unredacted copy has been filed under seal along with a motion for protective order pursuant to 49 CFR 1104.14. That motion is addressed in a separate decision.

[2] EVWR states that the Sugar Camp Mine consists of two separate mines, M Class and Viking. According to EVWR, M Class was forced to shut down due to a fire at the mine and Viking had to close to accommodate the relocation of long wall mining equipment to another location at the mine.

immediately posted to the docket. Several business days may elapse after a comment has been submitted online before it is posted to the docket.

Privacy Act: DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, commenters are encouraged to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Docket: For access to the docket to read comments received, please visit *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In accordance with part 236 of title 49, Code of Federal Regulations, and sec. 20502(a) of title 49, United States Code, this document provides the public notice that Palmetto Railways has petitioned FRA for approval of a PSP for use of the RailSoft TrackAccess system in autonomous mode on its Charity Church Subdivision. FRA has assigned the petition Docket Number FRA–2022–0046. Palmetto Railways' PSP has been placed in this docket and is available for public inspection and comment.

The TrackAccess system is a processor-based dispatch system developed by RailSoft Systems to be operated in autonomous mode (without dispatcher intervention) for low-density rail lines. RailSoft indicates that the system provides a processor-based methodology of requesting and issuing track authority to either qualified train crew members or roadway workers, while increasing railroad productivity and significantly improving the safety of train operations, roadway workers, and other railway equipment.

FRA is also providing public notice that Palmetto Railways' RSPP has been placed in Docket Number FRA–2022–0046 and is available for public inspection. FRA is not, however, accepting public comment on the RSPP; notice regarding the availability of the RSPP is provided for information only.

Palmetto Railways asserts that its PSP, dated August 18, 2021, contains the same information and analysis as the Alabama and Tennessee River Railway's (ATN) PSP, Rev. 1, except that Palmetto Railways' PSP has been conformed to reflect only Palmetto Railways operations. FRA approved ATN's use of TrackAccess in autonomous mode when FRA approved ATN's PSP, Rev. 1, on January 28, 2014, available in Docket FRA–2013–0088. Therefore, Palmetto Railways is seeking FRA approval to use the TrackAccess system in autonomous mode on its Charity Church Subdivision, through approval of Palmetto Railways' PSP, dated August 18, 2021. Currently, Palmetto Railways is using the TrackAccess system in dispatcher-assisted mode and has done so without incident since April 2007.

Interested parties are invited to comment on Palmetto Railways' PSP by submitting comments to the electronic docket. Please refer to the **ADDRESSES** section above for guidance on how to submit comments to the electronic docket.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–12640 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2021–0109; Notice No. 2022–10]

Hazardous Materials: Frequently Asked Questions—Applicability of the Hazardous Materials Regulations; Extension of Comment Period and Notice of Public Informational Webinar

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; extension of comment period and informational webinar announcement.

SUMMARY: On March 22, 2022, PHMSA announced an initiative to convert historical letters of interpretation applicable to the Hazardous Materials Regulations (HMR) that have been issued to specific stakeholders into broadly applicable frequently asked questions on its website. PHMSA requested comment on the initiative and input on the prioritization of future sets of frequently asked questions. In this notice, PHMSA is extending the comment period from May 23, 2022, until July 22, 2022. In addition, PHMSA plans to host a webinar to discuss the process and intent of this initiative with stakeholders on June 27, 2022.

DATES: Interested persons are invited to submit comments on or before July 22, 2022. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2021–0109 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2021–0109) for this notice. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Confidential Business Information (CBI): CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated

as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as ''CBI.'' Please mark each page of your submission containing CBI as ''PROPIN.'' Submissions containing CBI should be sent to Arthur Pollack, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

FOR FURTHER INFORMATION CONTACT: Arthur Pollack, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Webinar Details and Public Participation

The webinar will take place on June 27, 2022, at 11:00 a.m. EST and will be open to the public. Attendees must register on the meeting website at *https://opsweb.phmsa.dot.gov/hm_seminars/faq_webinar.asp.*

II. Background

Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) directs the Secretary of Transportation (''the Secretary'') to establish regulations for the safe and secure transportation of hazardous materials in commerce. The Secretary is authorized to apply those regulations to (1) persons who transport hazardous materials in commerce, (2) persons who cause hazardous materials to be transported in commerce, (3) persons who manufacture or maintain a packaging or a component of a packaging that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material in commerce, (4) persons who indicate by marking or other means that a hazardous material being transported in commerce is present in a package or transport conveyance when it is not, and (5) persons who tamper with a package or transport conveyance used to transport hazardous materials in commerce or a required marking, label, placard, or shipping description.

In 49 CFR 1.97, the Secretary delegated authority to issue regulations for the safe and secure transportation of hazardous materials in commerce to the PHMSA Administrator. The PHMSA Administrator issues the HMR under that delegated authority. The HMR prescribes requirements for the safe transportation in commerce of hazardous materials, including provisions for classification, packaging, and hazard communication.

To facilitate its safety mission and promote better awareness of its programs and compliance requirements, the Office of Hazardous Materials Safety (OHMS) periodically issues agency guidance in the **Federal Register** and on its publicly available website [1] for use by the regulated community, PHMSA staff, and federal, state, and local partners. This information is non-binding material given to the public pertaining to information and resources useful to comply with the HMR and is also used to make the public aware of safety issues or best practices. PHMSA issues this information through posted frequently asked questions (FAQs), advisory bulletins, publications, and policy manuals. PHMSA also answers questions from stakeholders through its staff and the Hazardous Materials Information Center (HMIC) [2] and by issuing letters of interpretation (LOIs). As provided in 49 CFR 105.20 (Guidance and Interpretations), a member of the public may request information and answers to questions on HMR compliance by contacting the OHMS Standards and Rulemaking Division or the HMIC.[3] OHMS receives an average of 250 requests for LOIs each year. Some of these requests for interpretations have previously been asked, answered, and published on PHMSA's Online Code of Federal Regulations (oCFR) website at *https://www.phmsa.dot.gov/standards-rulemaking/hazmat/phmsas-online-cfr-ocfr.*

The purpose of the FAQ initiative is to optimize the effectiveness, reach, and impact of the OHMS LOI process. Through publishing FAQs, PHMSA will memorialize in broadly applicable guidance its historical LOIs for, and applicable to, specific stakeholders regulated by the HMR. Specifically, this initiative adapts currently available stakeholder engagement functions to more directly appeal to a broader regulated community, develop a systematic process in managing/curating agency information that can be incorporated conveniently into existing workflows, and create helpful tools for current stakeholders. The success of this initiative will be measurable by monitoring PHMSA's website engagement, the rate of incoming calls to the HMIC, and the volume of incoming LOI requests. A successful project should see an increase in website engagement with either static or reduced rates of calls to the HMIC and a reduced volume of incoming LOI requests. In addition, the interpretation workflow should reflect more efficient processing and productivity.

III. Federal Register Notice

On March 22, 2022, PHMSA published Notice No. 2022–02 [87 FR 16308] announcing an initiative to publish FAQs on its website to facilitate better public understanding and awareness of the hazardous materials regulations (HMR; 49 CFR parts 171 through 180). The FAQs in the notice are intended to clarify, explain, and promote better understanding of the HMR. FAQs are not substantive rules, and do not create legally enforceable rights, assign duties, or impose new obligations not otherwise contained in the existing regulations and standards, but are provided to help the regulated community understand how to comply with the regulations.

PHMSA is creating a repository of these questions, which will reduce the need for issuing duplicative LOIs to multiple stakeholders and will assist PHMSA in streamlining the use of its resources by significantly reducing frequently asked LOIs. This initiative will provide additional value to PHMSA's oCFR tool found at *https://www.phmsa.dot.gov/standards-rulemaking/hazmat/phmsas-online-cfr-ocfr.* The oCFR tool is an interactive web-based application that allows users to navigate with a single click between all content, including LOIs connected to an HMR citation. The oCFR tool includes the ability to sort, filter, and export search results.

PHMSA expects this initiative to ultimately allow the agency to devote resources to other hazardous materials transportation safety projects such as petitions for rulemakings, public

[1] *https://www.phmsa.dot.gov/guidance?keywords=security&issued_date_from=&field_issued_date_value_1=.*

[2] The HMIC can be reached at 1–800–467–4922 and *infocntr@dot.gov.* For additional information visit: *https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center.*

[3] To request a formal letter of interpretation, persons may also write to: Mr. Shane Kelley, Director, Standards and Rulemaking Division, U.S. DOT/PHMSA (PHH–10), 1200 New Jersey Avenue SE, East Building, 2nd Floor, Washington, DC 20590. To obtain information and answers pertaining to statute compliance and preemption, persons must, as prescribed by 49 CFR 105.20(b), contact the office of the Chief Counsel at: Office of the Chief Counsel, U.S. DOT/PHMSA (PHC–10), 1200 New Jersey Avenue SE, East Building, Washington, DC 20590, or at (202) 366–4400.

outreach and engagement, and regulatory and policy improvements.

IV. Comment Period Extension

PHMSA initially provided a 60-day comment period for the March 22, 2022, **Federal Register** notice with a May 23, 2022, closing date. In response to a request to extend the comment period from the Dangerous Goods Advisory Council, PHMSA is extending the comment period an additional 60 days. The comment period will now close on July 22, 2022. This extension provides the public additional time to provide comment on the FAQ initiative. In addition, PHMSA will host a webinar to provide detailed information on the process and intent of the FAQ initiative. The webinar will be held on June 27, 2022.

Signed in Washington, DC, on June 8, 2022, under authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–12720 Filed 6–10–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1–888–912–1227 or 214–413–6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Wednesday, July 13, 2022, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Conchata Holloway. For more information, please contact Conchata Holloway at 1–888–912–1227 or 214–413–6550, or write TAP Office, 1114 Commerce St MC 1005 Dallas, TX, 75242 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12633 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Electronic Tax Administration Advisory Committee; Meetings

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Electronic Tax Administration Advisory Committee (ETAAC) will hold a public meeting on Wednesday, June 29, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Parman, Office of National Public Liaison, at 202–317–6247 or send an email to *PublicLiaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the ETAAC will be held on Wednesday, June 29, 2022, from 9:00 a.m. to 11:00 a.m. EDT at 1111 Constitution Avenue NW, Washington, DC, 20224. The purpose of the ETAAC is to provide continuing advice regarding the development and implementation of the IRS organizational strategy for electronic tax administration. ETAAC is an organized public forum for discussion of electronic tax administration issues such as prevention of identity theft and refund fraud. It supports the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements. Due to limited seating and security requirements, call or email Sean Parman to confirm your attendance. Mr. Parman can be reached at 202–317–6247 or *PublicLiaison@irs.gov.* Should you wish the ETAAC to consider a written statement, please call 202–317–6247 or email: *PublicLiaison@irs.gov.*

Dated: June 8, 2022

Nina M. Lachin,

Acting Branch Chief, National Public Liaison.

[FR Doc. 2022–12705 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, July 12, 2022.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Tuesday, July 12, 2022, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 8, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12629 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, July 12, 2022.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Tuesday, July 12, 2022, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information, please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12635 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will still be held via teleconference.

DATES: The meeting will be held Thursday, July 14, 2022.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be held Thursday, July 14, 2022, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12631 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 28, 2022.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, July 28, 2022, at 1:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Gilbert Martinez at 1–888–912–1227 or (737–800–4060), or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12632 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, July 12, 2022.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Tuesday, July 12, 2022, at 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information, please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office,

1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12634 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will still be held via teleconference.

DATES: The meeting will be held Wednesday, July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, July 13, 2022, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 7, 2022.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2022–12630 Filed 6–10–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: GI Bill Comparison Tool Ratings Survey

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 new collection of information, 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 12, 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–NEW'' 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–NEW'' 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 revision of a previously approved 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 revision of a previously approved 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: Executive Order 12862; Paperwork Reduction Act of 1995 Section 3507.

Title: GI Bill Comparison Tool Ratings Survey.

OMB Control Number: 2900–NEW.

Type of Review: New Information Collection.

Abstract: The Comparison Tool Survey submitted for OMB's approval through regular ICR 3-year collection for the Collection of Qualitative Feedback on Agency Service Delivery'' is being submitted to Veterans and eligible beneficiaries who recently graduated from college. The sampled customers will be contacted through an invitation email. A link will be enclosed so the survey may be completed using an online interface, with customized customer information. The survey itself consists of a handful of questions revolving around a human-centered design, focusing on such elements as trust, emotion, effective, and ease with the services and educational care they received.

The information provided will be used by VA to measure how recent graduates who used the GI Bill feel about the institution they attended, and the education they received. This includes quality of classes, in person versus online learning, GI Bill support (or supportiveness of school certifying officials), degree of support for the Veteran community at the institution, and overall experience.

Affected Public: Individuals and households.

Estimated Annual Burden: 118 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Twice Annually.

Estimated Number of Respondents: 1416.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–12659 Filed 6–10–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0002]

Agency Information Collection Activity Under OMB Review: 21P–527 Income, Net Worth and Employment Statement, 21P–527EZ Application for Veterans Pension

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0002''.

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. 2900–0002'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 5101(a), 38 CFR 1502, 38 CFR 1503.

Title: 21P–527 Income, Net Worth and Employment Statement, 21P–527EZ Application for Veterans Pension.

OMB Control Number: 2900–0002.

Type of Review: Revision of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA) through its Veterans Benefits Administration (VBA) administers an integrated program of benefits and services, established by law, for Veterans, service personnel, and their dependents and/or beneficiaries. Title 38 U.S.C. 5101(a), 38 CFR 1502, 38 CFR 1503 provides that a specific claim in the form provided by the Secretary must be filed in order for benefits to be paid to any individual under the laws administered by the Secretary. VA Form 21P–527EZ, *Application for Pension,* is the prescribed form for Veterans Pension applications. VA Form 21P–527 *Income, Net Worth and Employment Statement,* is used by Veterans to apply for pension benefits after they have previously applied for pension or for service-connected disability compensation using one of the prescribed forms. A Veteran might reapply for pension using this form if a previous compensation or pension claim was denied or discontinued, or if the Veteran is receiving compensation and the veteran now believes that pension would be a greater benefit. The following updates were made: VA Form 21P–527EZ, *Application for Veterans Pension,* VA Form 21P–527, *Income, Net Worth and Employment Statement* VA Form 21P–527EZ has been updated, to include updated instructions, added an optional use Veterans Benefits Application Checklist for applicant's benefit to assist in organizing submission of claim, separated Section I and II to split Veteran's Identification Information from contact information, removed questions How many times veteran married, How many times Spouse married, as regulations allow, removed mailing address of nursing home or facility from Section VIII as this is covered in the Worksheet the claimant is directed to complete, added an income source section and updated Section IX instructions to reflect this change, added an Alternate Signer Certification and Signature (Section XIII), estructured Worksheet for An Assisted Living, Adult Daycare, or a Similar Facility and the Worksheet for In-Home Attendant Expenses and questions removed for better clarity. New standardization data points; to include optical character recognition boxes. This is a non-substantive change. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 18484 on March 30, 2022, pages 18484–18485.

Affected Public: Individuals or Households.

Estimated Annual Burden: 24,731 hours.

Estimated Average Burden per Respondent: 27.5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 53,958.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–12693 Filed 6–10–22; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 87, No. 113

Monday, June 13, 2022

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids — **202–741–6000**

Laws — **741–6000**

Presidential Documents

Executive orders and proclamations — **741–6000**

The United States Government Manual — **741–6000**

Other Services

Electronic and on-line services (voice) — **741–6020**

Privacy Act Compilation — **741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

32965–33406 1
33407–33582 2
33583–34066 3
34067–34572 6
34573–34762 7
34863–35066 8
35067–35382 9
35383–35642 10
35643–35852 13

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

9705 (amended by 10403)...33407, (amended by 10406), 33591
9980 (amended by 10403)...33407, (amended by 10406), 33591
10403 33407
10404 33413
10405 33583
10406 33591
10407 33601
10408 33603
10409 33605
10410 33607
10411 33609
10412 33611
10413 33613
10414 35067

Administrative Orders:

Memorandums:
Memorandum of June 1, 2022 35081
Memorandum of June 3, 2022 34763
Presidential Determinations:
No. 2022-15 of June 6, 2022 35071
No. 2022-16 of June 6, 2022 35073
No. 2022-17 of June 6, 2022 35075
No. 2022-18 of June 6, 2022 35077
No. 2022-19 of June 6, 2022 35079

5 CFR

Proposed Rules:

875 33653
3601 35460

7 CFR

Proposed Rules:

51 33064
1150 35465

8 CFR

214 34067
274 34067

9 CFR

Proposed Rules:

201 ..... 34814, 34980

10 CFR

429 33316
430 33316
431 ..... 33316, 34067

Proposed Rules:

429 ..... 34934, 35286, 35678
430 ..... 34934, 35286
431 34220

12 CFR

210 34350
328 33415
1240 ..... 33423, 33615
1290 32965
1291 32965

Proposed Rules:

25 33884
228 33884
345 33884

13 CFR

121 34094

14 CFR

39 ..... 32969, 32973, 32975, 32978, 33435, 33621, 33623, 33627, 33630, 33632, 34120, 34125, 34129, 34765, 34767, 34770, 34772
71 ..... 32980, 32981, 32982, 34573, 35083, 35383, 35384, 35385, 35386, 35387, 35643, 35644, 35645
97 (2 documents) 35646, 35650

Proposed Rules:

39 ..... 33071, 33076, 33451, 33454, 33457, 33658, 34221, 34587, 34591, 35118, 35122, 35125, 35128, 35465, 35684, 35686
71 ..... 33080, 33082, 33083, 33085, 33660, 34595, 34597, 35133, 35469, 35470, 35689, 35690, 35691, 35692

15 CFR

734 34131
740 ..... 32983, 34131
743 32983
744 ..... 32987, 34131, 34154
746 34131
748 32983
766 34131

16 CFR

1225 32988

Proposed Rules:

310 ..... 33662, 33677

17 CFR

230 35393
232 35393
239 35393
240 35393
249 35393

19 CFR

12 34775

20 CFR

404.....35651
408.....35651
416.....35651
655.....34067

21 CFR

870.....32988, 34777
876.....34164
1141.....32990
1308 .....32991, 32996, 34166

22 CFR

42.....35414

25 CFR

Proposed Rules:
571.....33091

26 CFR

Proposed Rules:
1.....34223

27 CFR

9 .....33634, 33638, 33642, 33646

Proposed Rules:
4.....35693
25.....34819

29 CFR

1910.....32999

31 CFR

515.....35088
587.....32999, 34169

Proposed Rules:
1010.....34224

32 CFR

199.....33001, 34779

33 CFR

100 .....33015, 34170, 34574, 34779
165 .....33018, 33019, 33020, 33649, 34171, 34173, 34574, 34576, 34781, 34784, 34786, 34788, 35092, 35094, 35654, 35656
187.....34175

Proposed Rules:
117 .....33460, 34598, 34601, 35472
165 .....33695, 34603, 34605, 34607, 34834, 35697
386.....35473

34 CFR

Ch. II.....34790
Ch. III.....35415

36 CFR

222.....35097

Proposed Rules:
242.....34228

37 CFR

Proposed Rules:
385.....33093

38 CFR

8.....35419
17.....33021
79.....33025

39 CFR

111 .....33047, 34197, 35658

Proposed Rules:
111.....35701

40 CFR

52 .....33438, 33650, 34577, 34579, 34795, 34797, 35104, 35421, 35423
81 .....34795, 34797, 35104
180.....34203, 34206
271.....34579

Proposed Rules:
52 .....33095, 33461, 33464, 33697, 33699, 34609, 34612, 35701, 35705, 35709
60.....35608
63.....34614, 35608
80.....35711
121.....35318
122.....35318
124.....35318

47 CFR

1.....34209
10.....34212
11.....34213
25.....33441
73 .....33441, 34799, 35426
76.....33441

Proposed Rules:
15.....33109
27.....33466
73.....34624

49 CFR

191.....35675
270.....35660
271.....35660
571.....34800
575.....34800

Proposed Rules:
525.....35718
531.....35718

50 CFR

17.....35431
300.....34580, 34584
622.....34811
635.....33049, 33056
648.....35112
660.....33442
679.....34215

Proposed Rules:
17.....34228, 34625
32.....35136
100.....34228
218.....33113
648.....34629

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 9, 2022

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1*

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.