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Contents

Federal Register

Vol. 87, No. 114

Tuesday, June 14, 2022

Agricultural Marketing Service
NOTICES
2022/2023 Rates Charged for Services, 35956–35962
Access to Fertilizer:
Competition and Supply Chain Concerns, 35956

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service

Animal and Plant Health Inspection Service
PROPOSED RULES
Domestic Quarantine:
Quarantined Areas and Regulated Articles, 35904–35923

Bureau of Consumer Financial Protection
RULES
Circular 2022–01:
System of Consumer Financial Protection Circulars to Agencies Enforcing Federal Consumer Financial Law, 35868–35869
Circular 2022–02:
Deceptive Representations Involving the Federal Deposit Insurance Corporation's Name or Logo or Deposit Insurance, 35866–35868
Circular 2022–03:
Adverse Action Notification Requirements in Connection with Credit Decisions Based on Complex Algorithms, 35864–35866

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Office of Refugee Resettlement Services for Survivors of Torture Program Data Points and Performance Progress Reports, 35982–35983

Coast Guard
RULES
Navigation and Navigable Waters, and Shipping, 35899–35901
PROPOSED RULES
Drawbridge Operations:
Milford Haven, Hudgins, VA, 35939–35940
NOTICES
Environmental Impact Statements; Availability, etc.:
Offshore Patrol Cutter Acquisition Program, 35986–35988

Commerce Department
See Economic Analysis Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Foreign National Request Form, 35965–35966

Copyright Royalty Board
RULES
Procedural Regulations Regarding Electronic Filing of Claims:
Corrections, 35898–35899

Defense Department
NOTICES
Meetings:
Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, 35973
Uniform Formulary Beneficiary Advisory Panel, 35974

Defense Nuclear Facilities Safety Board
RULES
Testimony by Defense Nuclear Facilities Safety Board Employees and Production of Official Records in Legal Proceedings, 35862–35863

Economic Analysis Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Direct Investment Surveys: Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter with Foreign Affiliate, 35966–35967

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Cancer Treatment Deferment, 35975
Federal Family Education Loan Program Secured Overnight Financing Rate Election Form, 35975–35976
Federal Perkins Loan Program Regulations, 35974–35975

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Prevailing Wage Determination, 35999–36001
Trade or Worker Adjustment Assistance Eligibility; Petitions, Determinations, etc., 35997–35999

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission
PROPOSED RULES
Energy Conservation Program:
Standards for Miscellaneous Gas Products, 35925–35938
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
Electric Vehicle Working Group, 35976

Energy Efficiency and Renewable Energy Office
NOTICES
Requests for Nominations:
Electric Vehicle Working Group, 35977–35978

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Baldwin, MI, 35895–35896
Graham, TX, 35896–35897
Oakwood, TX, 35897–35898
Airworthiness Directives:
Bombardier, Inc., Airplanes, 35885–35890
Costruzioni Aeronautiche Tecnam S.P.A. Airplanes, 35892–35895
Robinson Helicopter Company Helicopters, 35890–35892
NOTICES
Petition for Exemption; Summary:
The Boeing Co., 36031

Federal Election Commission
RULES
Reporting Independent Expenditures, 35863–35864

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 35980–35981
Application:
Brookfield White Pine Hydro, LLC, Errol Hydro Co., LLC, 35981
Combined Filings, 35978–35979
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Great Prairie Wind, LLC, 35979–35980
Sapphire Sky Wind Energy, LLC, 35979
Meetings:
North Hartland, LLC, 35980

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36031–36032

Federal Maritime Commission
NOTICES
Complaint:
MSRF, Inc. v. HMM Co., Ltd. and Yang Ming Marine Transport Corp., 35981

Federal Motor Carrier Safety Administration
PROPOSED RULES
Fees for the Unified Carrier Registration Plan and Agreement, 35940–35942
NOTICES
Exemption Application:
Commercial Driver's License Standards; Stevens Transport, Inc., 36034–36036
Parts and Accessories Necessary for Safe Operation:
Exemption Renewal for the International Institute of Towing and Recovery, 36032–36034

Federal Railroad Administration
NOTICES
Request for Information:
Public Blocked Crossing Portal, 36036–36037

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 35982

Fish and Wildlife Service
PROPOSED RULES
Migratory Bird Hunting:
Certain Federal Indian Reservations and Ceded Lands for the 2022–23 Season, 35942–35955
NOTICES
Environmental Assessments; Availability, etc.:
Port Blakely Co.; John Franklin Eddy Forestlands Habitat Conservation Plan, Incidental Take Permit Application, 35991–35992

Food and Nutrition Service
RULES
Supplemental Nutrition Assistance Program:
Civil Rights Update to the Federal-State Agreement, 35855–35858
NOTICES
The Emergency Food Assistance Program:
Availability of Foods for Fiscal Year 2022, 35962–35964

Foreign-Trade Zones Board
NOTICES
Application for Expansion of Subzone:
Sager Electronics, Foreign-Trade Subzone 168G, Carrollton, TX; Foreign-Trade Zone 168, Dallas, TX, 35967

Forest Service
NOTICES
Land Management Plan:
Sierra and Sequoia National Forests; Revision, 35964–35965

Health and Human Services Department
See Children and Families Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Enrollment and Re-Certification of Entities in the 340B Drug Pricing Program, 35983–35985

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Builder's Certification of Plans, Specifications, and Site, 35990–35991
HECM Counseling Client Survey, 35989
Home Mortgage Disclosure Act Loan/Application Register, 35989–35990

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Tribal Self-Governance Program, 35993–35994
Indian Gaming:
Approval of 20 Tribal-State Class III Gaming Compact Amendments with the State of Arizona, 35992–35993
Approval of Tribal-State Class III Gaming Compact Amendment between Sauk-Suiattle Indian Tribe and the State of Washington, 35992
Approval of Tribal-State Class III Gaming Compact between the Crow Creek Sioux Tribe of the Crow Creek Reservation and the State of South Dakota, 35994

Industry and Security Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Special Priorities Assistance, 35967–35968

Institute of Museum and Library Services
NOTICES
Meetings:
National Museum and Library Services Board, 36003

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Sulfanilic Acid from India and the People's Republic of China; Final Results of Sunset Reviews and Revocation of Orders, 35968–35969

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Integrated Circuit Products and Devices Containing the Same, 35995–35996
Certain Residential Premises Security Monitoring and Automation Panels, and Components Thereof, 35996–35997
Pure Magnesium from China, 35997

Labor Department
See Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Occupational Exposure to Hazardous Chemicals in Laboratories, 36001–36002

Legal Services Corporation
NOTICES
Application Process for Subgranting Special Grant Funds, 36002–36003

Library of Congress
See Copyright Royalty Board

Maritime Administration
NOTICES
Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel:
Inspire (Motor), 36037–36038
Liquidity (Motor), 36041–36042
Magali (Sail), 36038–36039
Passion (Motor), 36040
Pearls of Nautilus (Sail), 36040–36041
Waterdogged (Motor), 36039

National Archives and Records Administration
NOTICES
Records Schedules:
Correction, 36003

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 36003

National Foundation on the Arts and the Humanities
See Institute of Museum and Library Services

National Institute of Standards and Technology
NOTICES
Establishment of Research Consortium:
Low Carbon Cements and Concretes, 35969–35970

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 35985–35986
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 35985–35986
National Institute of Allergy and Infectious Diseases, 35986

National Oceanic and Atmospheric Administration
RULES
Pacific Halibut Fisheries:
Catch Sharing Plan; Inseason Action, 35901–35903
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 35970–35971

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 35994–35995

National Telecommunications and Information Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Broadband Infrastructure Program, 35972–35973
Connecting Minority Communities Pilot Program, 35971
Tribal Broadband Connectivity Program, 35972

Nuclear Regulatory Commission
RULES
List of Approved Spent Fuel Storage Casks:
NAC International NAC-UMS Universal Storage System, 35858–35862
PROPOSED RULES
List of Approved Spent Fuel Storage Casks:
NAC International NAC-UMS Universal Storage System, 35923–35925

NOTICES
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 36003–36014

Postal Regulatory Commission
NOTICES
New Postal Products, 36014

Presidential Documents
ADMINISTRATIVE ORDERS
European Energy Security and Diversification Act of 2019; Delegation of Authority (Memorandum of June 8, 2022), 35853

Securities and Exchange Commission
PROPOSED RULES
Listing Standards for Recovery of Erroneously Awarded Compensation, 35938–35939
NOTICES
Filings:
The Options Clearing Corp., 36023–36028
Self-Regulatory Organizations; Proposed Rule Changes:
Fixed Income Clearing Corp., 36014–36018
The Nasdaq Stock Market, LLC, 36018–36023
The Options Clearing Corp., 36028–36030

Small Business Administration
RULES
Small Business Size Standards:
Wholesale Trade and Retail Trade, 35869–35885

Susquehanna River Basin Commission
NOTICES
Projects:
Consumptive Uses of Water; Approved, 36030–36031

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See Maritime Administration
See Transportation Statistics Bureau

Transportation Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Passenger Origin-Destination Survey Report, 36042–36043

U.S. Customs and Border Protection
NOTICES
Tuna Tariff-Rate Quota for Calendar Year 2022:
Harmonized Tariff Schedule of the United States, 35988–35989

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.

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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.

3 CFR

Administrative Orders:

Memorandums:

Memorandum of June 8, 2022 35853

7 CFR

272 35855

Proposed Rules:

301 35904

10 CFR

72 35858

1707 35862

Proposed Rules:

72 35923

430 35925

11 CFR

109 35863

12 CFR

Ch. X (2 documents) 35866, 35868

1002 35864

13 CFR

121 35869

14 CFR

39 (3 documents) 35885, 35890, 35892

71 (3 documents) 35895, 35896, 35897

17 CFR

Proposed Rules:

229 35938

240 35938

249 35938

274 35938

33 CFR

Proposed Rules:

117 35939

37 CFR

360 35898

46 CFR

4 35899

49 CFR

Proposed Rules:

367 35940

50 CFR

300 35901

Proposed Rules:

20 35942

Federal Register
Vol. 87, No. 114
Tuesday, June 14, 2022

Presidential Documents

Title 3—

The President

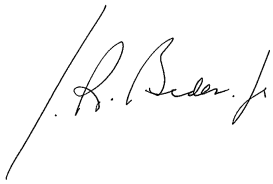
Memorandum of June 8, 2022

Delegation of Authority Under the European Energy Security and Diversification Act of 2019

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 2004(e)(1)(C) of the European Energy Security and Diversification Act of 2019 (22 U.S.C. 9563(e)(1)(C)) (the ''Act''). The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum. Any reference in this memorandum to the Act shall be deemed to be a reference to such Act as amended from time to time.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, June 8, 2022

[FR Doc. 2022–12892
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Rules and Regulations

Federal Register
Vol. 87, No. 114
Tuesday, June 14, 2022

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 272

[FNS–2016–0078]

RIN 0584–AE56

Supplemental Nutrition Assistance Program: Civil Rights Update to the Federal-State Agreement

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule.

SUMMARY: This final rule updates the Supplemental Nutrition Assistance Program (SNAP) civil rights assurance template language for the Federal-State Agreement. These updates do not contain any new requirements and would codify protections already required by Federal law and existing policy.

DATES: This rule is effective August 15, 2022.

FOR FURTHER INFORMATION CONTACT: Certification Policy Branch, Program Development Division, FNS, 1320 Braddock Place, Alexandria, Virginia 22314. *SNAPCPBRules@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule updates the SNAP Federal-State Agreement (FSA) civil rights assurance language to reflect protections already required by Federal law. The FSA is the legal agreement between the Department of Agriculture (the Department) and the State agency by which the State elects to operate SNAP, doing so in accordance with the Food and Nutrition Act of 2008 (the Act), SNAP regulations, the State Plan of Operation (State Plan), civil rights laws, and civil rights regulations. The Act requires that each State operating SNAP have a State Plan specifying details as to how the State conducts the program. The State Plan contains forms, plans, agreements, policy descriptions, and policy options required by Federal regulation and is cleared under OMB No. 0584–0083, Expiration date 08/31/2023. Program requirements at 7 CFR 272.2(a)(2) include the FSA as one such required component of the State Plan.

Although the State agency may propose alternative language that both the Department and the State agency may mutually agree to modify or supplement, requirements at 7 CFR 272.2(b)(1) contain standard FSA language for State agencies operating SNAP. As a Federal program, civil rights protections for SNAP applicants and recipients are important and essential. Codifying civil rights protections is vital to the success of SNAP because it supports the Department in providing equitable and superior customer service to all SNAP applicants and recipients. The protections included in this rule will prevent discrimination and systemic racism in the SNAP program that could negatively impact program access and outcomes. Integrating additional civil rights language into the FSA ensures a consistent application of these practices across the program. On November 17, 2016, at (81 FR 81015) the Department proposed a revision to the standard FSA language at 7 CFR 272.2(b)(1) in order to update this critical language to codify protections already required by Federal law and existing policy. The Department received five comments on the proposed rule. Two comments were outside the scope of this rulemaking and the remaining three were strongly supportive of the proposed changes. The supportive comments agreed with FNS' actions to strengthen civil rights protections in SNAP.

Since standard FSA language was first established in SNAP regulations, Congress has passed additional civil rights legislation and more uniform administrative procedures have been established to support effective enforcement of the civil rights protections. Further, the U.S. Department of Justice (DOJ) recommended the addition of updated references in the Department's civil rights-related materials. The Department understands that similar language has been incorporated into agreements in other Federal agencies and has incorporated similar language in agreements in the Department's Child Nutrition Program and Women, Infants and Children (WIC) program, and Food Distribution programs. The Department also notes, by way of background, that the FSA in SNAP is unique within the Department's programs in that most other comparable agreements are not contained in the Federal regulations but in forms formally approved by the Office of Management and Budget (OMB).

This final rule incorporates references to additional civil rights legislation into the standard FSA language at section 272.2. Those references include Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), Title II and Title III of the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008 (42 U.S.C. 12131–12189), and Executive Order 13166, ''Improving Access to Persons with Limited English Proficiency.'' This final rule will incorporate those provisions into the regulations at 7 CFR 272.2(b)(1). The Department received no adverse comments on these revisions and is finalizing as proposed.

The Department also proposed to include language that would require States to comply with Department instructions, policy guidance, and other written directions. Departmental instructions, policy guidance, and written directions derive from statutory and regulatory authority and clarify existing legal requirements. Referencing those materials in the regulation is unnecessary, therefore the Department is removing such language. Therefore, the Department is not including reference to Department instructions, policy guidance, and other written directions in 7 CFR 272.2(b)(1).

In addition to updating the template language with references to additional civil rights legislation, the proposed rule identified additional language for inclusion based upon DOJ's recommendations. This includes denoting the Department's ability to track, analyze, and enforce the civil rights protections denoted in the FSA. Within these changes, the Department proposed to add that the State agency agreeing to follow civil rights requirements in the FSA is made in consideration of and for the purposes of obtaining Federal financial assistance. Next, the rule proposed to incorporate

the State agency's existing obligation to compile data, maintain records, and submit records and reports as required to allow for effective enforcement of the civil rights provisions. This would include an assurance to allow Department personnel to review and access records, access facilities and interview personnel to ascertain compliance with nondiscrimination laws. Finally, the rule proposed to codify procedures to support enforcement of the nondiscrimination protections by updating the FSA to include a provision that the Department may seek judicial enforcement for violations of the FSA, adding assurances that the State agency and its successors are bound by the FSA. Again, these provisions would not only be responsive to DOJ's suggestions regarding nondiscrimination compliance language but also mirror language in other USDA programs. The Department received no adverse comments on these revisions and is finalizing as proposed.

FSAs, once signed by the chief executive officer of a State or authorized designee, are valid under 7 CFR 272.2(e)(1) until they are terminated. The Department will now refer to the ''chief executive officer of a State'' as the FSA signatory in 7 CFR 272.2(b)(1), in lieu of the term ''Governor.'' While not originally included in the proposed rule, the Department is making this technical change to SNAP regulations in this final rule to account for the District of Columbia's governance structure. Section 272.2(e)(1) also provides that the FSA must be signed and submitted to FNS within 120 days after the publication of the regulations in final form and shall remain in effect until terminated. Although initially included in the regulations with other regulatory FSA requirements, the same procedure would apply to this update. Given the publication date of this final rule, all State agencies will update this language in the FSA at the time of their next State Plan submission and provide a copy of the same to the Department within 120 days of the effective date. Although State agencies are already required to abide by the new civil rights language as stated above, the Department believes it is important to incorporate the updated language at section 272.2(b)(1) in the FSA itself.

Procedural Matters

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Regulatory Impact Analysis

This rule has been designated as not significant by the Office of Management and Budget (OMB), therefore, no Regulatory Impact Analysis is required.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been certified that this rule would not have a significant impact on a substantial number of small entities. This final rule would not have an impact on small entities because the changes required by the regulations are primarily directed toward State agencies operating SNAP programs.

Congressional Review Act

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

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

State administrative matching grants for SNAP are listed in the Catalog of Federal Domestic Assistance Programs under 10.561. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V, and related Notice (48 FR 29114, June 24, 1983), this program is included in the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials. The Department issued guidance in June 2016 to State agencies, and continues to do so annually, as part of a larger effort to help States ensure their State Plans are complete and up to date, which in part included direction to State agencies to incorporate updated civil rights provisions as an addendum to existing FSAs.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under section (6)(b)(2)(B) of Executive Order 13132.

The Department has considered the impact of this rule on State and local governments and has determined that this rule does not have significant federalism implications. State agencies will be required to update the standard language contained in FSAs once if they have not already incorporated updated civil rights provisions through an addendum to their existing FSA. Therefore, under section 6(b) of the Executive Order, a federalism summary is not required.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies that conflict with its provisions or that would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect.

Civil Rights Impact Analysis

FNS has reviewed the final rule, in accordance with Department Regulation 4300–004, Civil Rights Impact Analysis, to identify and address any major civil rights impacts the final rule might have on minorities, women, and persons with disabilities. The changes to SNAP regulations in this final rule are to incorporate references to additional civil rights legislation into the standard FSA language. After careful review of the rule's intent and provisions, FNS believes that the promulgation of this final rule will incorporate the State agency's existing obligation within FSAs. Additionally, the rule will likely result in improved, equitable, and superior customer service to all SNAP applicants and recipients.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

The Department notes that the regulatory changes finalized in this rule impact program applicants and participants equally regardless of Tribal status or residence. The Department is unaware of any current Tribal laws that could be in conflict with the final rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; 5 CFR 1320) requires the Office of Management and Budget (OMB) approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number.

The provisions in this final rule do not contain new, revised or altered information collection requirements subject to approval by OMB under the Paperwork Reduction Act of 1995. The Department anticipates that this rule would have no to minimal time and cost impacts on the Federal Government and State agencies. State agencies are already required to follow the requirements contained in the added nondiscrimination references. Any existing time and cost burden would be related to administrative obligations to sign an updated Federal-State Agreement and to ensure appropriate recordkeeping to support enforcement of the nondiscrimination provisions as cleared under OMB Control Number 0584–0083; Expiration Date: 08/2023. FNS provides 50 percent of SNAP's administrative cost reimbursement and so a portion of any minimal administrative costs would be offset by federal funding.

Since State agencies are already required to have these agreements, the impact of this provision is insignificant to the reporting or recordkeeping burden activities required under the Paperwork Reduction Act and therefore will not change the burden estimates already approved under OMB Number 0584–0083; Expiration Date: 08/2023. If FNS determines estimates have increased significantly, the Agency will publish a 60-day **Federal Register** Notice to seek OMB approval. Other minimal burdens imposed on State agencies by implementation of this final rule are usual and customary within the course of their normal business activities.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 272

Alaska, Civil rights, Supplemental Nutrition Assistance Program, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 272 is amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

■ 1. The authority citation for part 272 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 2. Amend § 272.2 by revising paragraph (b)(1) to read as follows

§ 272.2 Plan of Operation.

* * * * *

(b) * * *

(1) The wording of the Federal/State Agreement is as follows:

The SNAP State agency of _____ and the Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA), hereby agree to act in accordance with the provisions of the Food and Nutrition Act of 2008, as amended, implementing regulations and the FNS approved State Plan of Operation. The State agency and FNS USDA further agree to fully comply with any changes in Federal law and regulations. This agreement may be modified with the mutual written consent of both parties.

Provisions

The State agrees to:

1. Administer the program in accordance with the provisions contained in the Food and Nutrition Act of 2008, as amended, and in the manner prescribed by regulations issued pursuant to the Act; and to implement the FNS-approved State Plan of Operation.

2. Assurance of Civil Rights Compliance: Comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), section 11(c) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2020), Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendments Act of 2008 (42 U.S.C. 12131–12189) as implemented by Department of Justice regulations at 28 CFR part 35 and 36, Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency'' (August 11, 2000), and all requirements imposed by the regulations issued by the Department of Agriculture to the effect that, no person in the United States shall, on the grounds of sex, including gender identity and sexual orientation, race, color, age, political belief, religious creed, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under SNAP. This includes program-specific requirements found at 7 CFR part 15 *et seq.* and 7 CFR 272.6.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal assistance extended to the State by USDA under the authority of the Food and Nutrition Act of 2008, as amended. Federal financial assistance includes grants, and loans of Federal funds; reimbursable expenditures, grants, or donations of Federal property and interest in property; the detail of Federal personnel; the sale, lease of, or permission to use Federal property or interest in such property; the furnishing of services without consideration, or at

a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient; or any improvements made with Federal financial assistance extended to the State by USDA. This assistance also includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the State agency agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, USDA, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the State agency, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the State agency.

3. (For States with Indian Reservations only). Implement the Program in a manner that is responsive to the special needs of American Indians on reservations and consult in good faith with tribal organizations about that portion of the State's Plan of Operation pertaining to the implementation of the Program for members of the tribe on reservations.

4. FNS agrees to: 1. Pay administrative costs in accordance with the Food and Nutrition Act of 2008, implementing regulations, and an approved Cost Allocation Plan.

2. Carry out any other responsibilities delegated by the Secretary in the Food and Nutrition Act of 2008, as amended.

Date _____

Signature _____

(Chief Executive Officer of a State or Authorized Designee)

Date _____

Signature _____

(Regional Administrator, FNS)

* * * * *

Cynthia Long,

Administrator, Food and Nutrition Service.

[FR Doc. 2022–12748 Filed 6–13–22; 8:45 am]

BILLING CODE 3410–30–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2022–0049]

RIN 3150–AK76

List of Approved Spent Fuel Storage Casks: NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the NAC International NAC–UMS Universal Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 9 to Certificate of Compliance No. 1015. Amendment No. 9 revises the certificate of compliance to correct the effective thermal properties for pressurized-water reactor fuel assemblies used in the certification basis ANSYS thermal models and to update modeling assumptions. In addition, this direct final rule makes editorial corrections to Amendment No. 8.

DATES: This direct final rule is effective August 29, 2022, unless significant adverse comments are received by July 14, 2022. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2022–0049, at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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: Bernard White, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6577, email: *Bernard.White@nrc.gov* and Vanessa Cox, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–8342, email: *Vanessa.Cox@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Discussion of Changes
V. Voluntary Consensus Standards
VI. Agreement State Compatibility
VII. Plain Writing
VIII. Environmental Assessment and Finding of No Significant Impact
IX. Paperwork Reduction Act Statement
X. Regulatory Flexibility Certification
XI. Regulatory Analysis
XII. Backfitting and Issue Finality
XIII. Congressional Review Act
XIV. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0049 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–2022–0049. Address questions about NRC dockets to Dawn Forder, telephone: 301–415–3407, email: *Dawn.Forder@nrc.gov*. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–

415–4737, or by email to *PDR.Resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

• *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, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2022–0049 in your comment submission. The NRC requests that you submit comments through the Federal rulemaking website at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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. Rulemaking Procedure

This rule is limited to the changes contained in Amendment No. 9 to Certificate of Compliance No. 1015 and editorial corrections to Amendment No. 8 and does not include other aspects of the NAC International NAC–UMS Universal Storage System design. The NRC is using the ''direct final rule procedure'' to issue this amendment because it represents a limited and routine change to an existing certificate of compliance that is expected to be non-controversial. Adequate protection of public health and safety continues to be reasonably assured. The amendment to the rule will become effective on August 29, 2022. However, if the NRC receives any significant adverse comment on this direct final rule by July 14, 2022, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, certificate of compliance, or technical specifications.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] . . . establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on October 19, 2000 (65 FR 62581), that approved the NAC International NAC–UMS Universal Storage System and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1015.

IV. Discussion of Changes

On July 30, 2021, NAC International submitted a request to the NRC to amend Certificate of Compliance No. 1015. Amendment No. 9 revises the certificate of compliance to correct the effective thermal properties for pressurized-water reactor fuel assemblies used in the certification basis ANSYS thermal models and update some modeling assumptions.

This direct final rule also corrects a page number and number in a footer of Technical Specifications, Appendix B in Amendment No. 8. The changes to the aforementioned documents are identified with revisions bars in the margin of each document.

As documented in the safety evaluation report, the NRC performed a safety evaluation of the proposed certificate of compliance amendment request. The NRC determined that this amendment does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to maintain confinement, shielding, and criticality control in the event of each evaluated accident condition. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 9 would remain well within the limits specified by 10 CFR part 20, ''Standards for Protection Against Radiation.'' Therefore, the NRC found that there will be no significant change in the types or amounts of any effluent released, no significant increase

in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

The NRC determined that the amended NAC International NAC–UMS Universal Storage System design, when used under the conditions specified in the certificate of compliance, the technical specifications, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be reasonably assured. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into NAC International NAC–UMS Universal Storage System that meet the criteria of Amendment No. 9 to Certificate of Compliance No. 1015.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC revises the NAC International NAC–UMS Universal Storage System design listed in § 72.214, ''List of approved spent fuel storage casks.'' This action does not constitute the establishment of a standard that contains generally applicable requirements.

VI. Agreement State Compatibility

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), this direct final rule is classified as Compatibility Category NRC—Areas of Exclusive NRC Regulatory Authority. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR chapter I. Therefore, compatibility is not required for program elements in this category. Although an Agreement State may not adopt program elements reserved to the NRC, and the Category ''NRC'' does not confer regulatory authority on the State, the State may wish to inform its licensees of certain requirements by means consistent with the particular State's administrative procedure laws.

VII. Plain Writing

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

VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

A. The Action

The action is to amend § 72.214 to revise the NAC International NAC–UMS Universal Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 9 to Certificate of Compliance No. 1015 and correct Amendment No. 8.

B. The Need for the Action

This direct final rule amends the certificate of compliance for the NAC International NAC–UMS Universal Storage System design within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Amendment No. 9 revises the certificate of compliance to correct the effective thermal properties for pressurized-water reactor fuel assemblies used in the certification basis ANSYS thermal models and update some modeling assumptions.

This direct final rule also corrects a page number and number in a footer of Technical Specifications, Appendix B in Amendment No. 8.

C. Environmental Impacts of the Action

On July 18,1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 9 is based on the environmental assessment for the July 18, 1990, final rule. Referencing past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The NAC International NAC–UMS Universal Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

This amendment does not reflect a significant change in design or fabrication of the cask. Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 9 would remain well within the 10 CFR part 20 limits. The NRC has also determined that the design of the cask as modified by this rule would maintain confinement, shielding, and criticality control in the event of an accident. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase in the potential for, or consequences from, radiological accidents. The NRC documented its safety findings in the safety evaluation report.

D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 9 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into NAC International NAC–UMS Universal Storage System in accordance with the changes described in proposed Amendment No. 9 would

have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. The environmental impacts would be the same as the proposed action.

E. Alternative Use of Resources

Approval of Amendment No. 9 to Certificate of Compliance No. 1015 would result in no irreversible commitment of resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule, ''List of Approved Spent Fuel Storage Casks: NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9,'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and NAC International. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if (1) it notifies the NRC in advance; (2) the spent fuel is stored under the conditions specified in the cask's certificate of compliance; and (3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On October 19, 2000 (65 FR 62581), the NRC issued an amendment to 10 CFR part 72 that approved the NAC–UMS Universal Storage System by adding it to the list of NRC-approved cask designs in § 72.214. On July 30, 2021, NAC International submitted a request to amend the NAC–UMS Universal Storage System as described in Section IV, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of Amendment No. 9, correct Amendment No. 8 in a separate action, and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into NAC International NAC–UMS Universal Storage System under the changes described in Amendment No. 9 to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the safety evaluation report and environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory; therefore, this action is recommended.

XII. Backfitting and Issue Finality

The NRC has determined that the backfit rule (§ 72.62) does not apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises Certificate of Compliance No. 1015 for the NAC International NAC–UMS Universal Storage System, as currently listed in § 72.214. The revision consists of the changes in Amendment No. 9 previously described, as set forth in the revised certificate of compliance and technical specifications.

Amendment No. 9 to Certificate of Compliance No. 1015 for the NAC International NAC–UMS Universal Storage System was initiated by NAC International and was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 9 applies only to new casks fabricated and used under Amendment No. 9. These changes do not affect existing users of the NAC International NAC–UMS Universal Storage System, and the current Amendment No. 8 continues to be effective for existing users. While current users of this storage system may comply with the new requirements in Amendment No. 9, this would be a voluntary decision on the part of current users.

For these reasons, Amendment No. 9 to Certificate of Compliance No. 1015 does not constitute backfitting under § 72.62 or § 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, the NRC has not prepared a backfit analysis for this rulemaking.

XIII. Congressional Review Act

This direct final rule is not a rule as defined in the Congressional Review Act.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No.
Submittal of Request for NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9 dated July 30, 2021.	ML21222A017 (package)
Proposed Certificate of Compliance for NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9.	ML21313A071
Safety Evaluation Report for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9	ML21312A495
Corrected pages B–2, B–4, and B3–2 from NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 8 Technical Specifications (Appendix B).	ML21312A499
Proposed Technical Specifications (Appendix A) for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A501
Proposed Technical Specifications (Appendix B) for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A500
User Need Memorandum for forwarding Certificate of Compliance, Technical Specifications and Safety Evaluation Report for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A488

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2022–0049. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2022–0049); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR–RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1015 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1015.

Initial Certificate Effective Date: November 20, 2000.

Amendment Number 1 Effective Date: February 20, 2001.

Amendment Number 2 Effective Date: December 31, 2001.

Amendment Number 3 Effective Date: March 31, 2004.

Amendment Number 4 Effective Date: October 11, 2005.

Amendment Number 5 Effective Date: January 12, 2009.

Amendment Number 6 Effective Date: January 7, 2019.

Amendment Number 7 Effective Date: July 29, 2019.

Amendment Number 8 Effective Date: October 19, 2021, as corrected (ADAMS

Accession No. ML21312A499).

Amendment Number 9 Effective Date: August 29, 2022.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the NAC–UMS Universal Storage System.

Docket Number: 72–1015.

Certificate Expiration Date: November 20, 2020.

Model Number: NAC–UMS.

* * * * *

Dated: June 1, 2022.

For the Nuclear Regulatory Commission.

Daniel H. Dorman,

Executive Director for Operations.

[FR Doc. 2022–12746 Filed 6–13–22; 8:45 am]

BILLING CODE 7590–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1707

[Docket No. DNFSB–2022–0001]

Testimony by DNFSB Employees and Production of Official Records in Legal Proceedings

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Defense Nuclear Facilities Safety Board (DNFSB or Board) is confirming the effective date of July 14, 2022, for the direct final rule that was published in the **Federal Register** on April 15, 2022. The direct final rule revised the Board's Touhy regulations to clarify that they only apply when the United States or DNFSB is not a party in the underlying legal proceeding.

DATES: The effective date of July 14, 2022, for the direct final rule published April 15, 2022 (87 FR 22436), is confirmed.

ADDRESSES: *DNFSB's General Counsel Web page:* Go to *https://www.dnfsb.gov/office-general-counsel* and click ''Rulemaking–DNFSB–2022–0001'' to access publicly available information related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: Eric Fox, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: On April 15, 2022 (87 FR 22436), the DNFSB published a direct final rule amending its regulations in part 1707 of title 10 of the Code of Federal Regulations regarding testimony by DNFSB employees and production of documents in legal proceedings. The DNFSB published this direct final rule

to clarify that the regulations do not apply to legal proceedings in which the DNFSB or United States is not a party.

In the direct final rule, the DNFSB stated that if no significant adverse comments were received, the direct final rule would become effective on July 14, 2022. The DNFSB received no comments, and the direct final rule will become effective as scheduled.

Dated: June 9, 2022.

Joyce Connery,

Chair.

[FR Doc. 2022–12784 Filed 6–13–22; 8:45 am]

BILLING CODE 3670–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 109

[Notice 2022–13]

Reporting Independent Expenditures

AGENCY: Federal Election Commission.

ACTION: Interim final rule.

SUMMARY: The Federal Election Commission is removing a regulation requiring that certain persons making independent expenditures disclose on their reports the identification of each person who made a contribution over $200 to the persons filing such reports ''for the purpose of furthering the reported independent expenditure.'' The Commission is taking this action to comply with the decision of the United States Court of Appeals for the District of Columbia Circuit, which affirmed a district court decision holding that the disclosure regulation was invalid. The Commission is accepting comments on this revision to its regulation and any comments received may be addressed in a subsequent rulemaking document. Further information is provided in the **SUPPLEMENTARY INFORMATION** that follows.

DATES: The interim final rule is effective on September 30, 2022. Comments must be received on or before July 14, 2022.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at *https://sers.fec.gov/fosers/,* reference REG 2020–05. Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Mr. Robert M. Knop, Assistant General Counsel, 1050 First Street NE, Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Ms. Joanna S. Waldstreicher, Attorney, 1050 First Street NE, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act (the ''Act'') provides that any person that is not a political committee and that makes independent expenditures aggregating in excess of $250 per calendar year must file a statement containing certain information about the funds they received and spent, including identifying each person (other than a political committee) whose contributions to the person filing such statement aggregated in excess of $200 within the calendar year, together with the date and amount of such contribution. 52 U.S.C. 30104(c)(1); *see also* 52 U.S.C. 30104(b)(3)(A). The Act also provides that the statement must identify ''each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.'' 52 U.S.C. 30104(c)(2)(C).

To implement these and other independent expenditure reporting provisions of the Act, the Commission promulgated the regulation at 11 CFR 109.10, requiring that ''[e]very person that is not a political committee and that makes independent expenditures aggregating in excess of $250 with respect to a given election in a calendar year shall file a verified statement or report . . .'' including certain information about the expenditures and ''[t]he identification of each person who made a contribution in excess of $200 to the person filing such report, which contribution was made for the purpose of furthering the reported independent expenditure.'' 11 CFR 109.10(b), (e)(1)(vi).

On Aug. 3, 2018, the United States District Court for the District of Columbia Circuit held that the regulation at 11 CFR 109.10(e)(1)(vi) is invalid because it conflicts with the terms of the statute, which ''mandate significantly more disclosure than that required by the challenged regulation.'' *CREW* v. *FEC,* 316 F. Supp. 3d 349, 410 (D.D.C. 2018). The district court held that 52 U.S.C. 30104(c)(1) ''plainly requires broader disclosure than just those donors making contributions for the purposes of funding the independent expenditures made by the reporting entity.'' *Id.* at 389. The district court further held that the regulation ''substantially narrows subsection (c)(2)'' of the statute, *id.* at 394, and that ''the challenged regulation's substitution of 'the reported' for 'an' is not in accord with the statutory text.'' *Id.* at 406. The district court therefore vacated the regulation, effective September 17, 2018. Order, *CREW* v. *FEC,* No. 16–259 (Aug. 3, 2018) at 2.[1] Shortly after the vacatur of the regulation became effective, the Commission issued guidance on how persons other than political committees should report their independent expenditures following the court's decision, available at: *https://www.fec.gov/updates/fec-provides-guidance-following-us-district-court-decision-crew-v-fec-316-f-supp-3d-349-ddc-2018/.*

On August 21, 2020, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court's decision. *CREW* v. *FEC,* 971 F.3d 340 (D.C. Cir 2020). The D.C. Circuit found that 11 CFR 109.10 ''disregards [52 U.S.C. 30104](c)(1)'s requirement that IE makers disclose each donation from contributors who give more than $200 . . . .'' *Id.* at 350–51. It also found that the regulation ''impermissibly narrows [52 U.S.C. 30104](c)(2)(C)'s requirement that contributors be identified if their donations are 'made for the purpose of furthering *an* independent expenditure' '' by requiring disclosure only of donations linked to a particular independent expenditure. *Id.* at 351. The court concluded that, because the statute ''establishes a broader disclosure mandate than the [Commission's] Rule ostensibly implementing it, the Rule is invalid.'' *Id.* at 356.

Commissioners have previously made efforts to reach consensus on revising the regulatory description of the reporting requirements, but were unable to find agreement by the required four affirmative votes.

In order to conform with the court opinion, the Commission is now striking 11 CFR 109.10(e)(1)(vi). The

[1] The court stayed its vacatur of the rule for 45 days from the date of the order.

Commission is adding a note to 11 CFR 109.10(e)(1) citing to the District Court and Court of Appeals decisions relating to this matter stating that the statutory provision at 52 U.S.C. 30104(c) remains in force.

The Commission is issuing this rule as an interim final rule. This interim final rule will take effect thirty legislative days after its transmittal to Congress. *See* 52 U.S.C. 30111(d). The Commission welcomes public comment on this interim final rule and may address any comments received in a later rulemaking.

The Administrative Procedure Act (''APA'') requires an agency promulgating regulations to publish a notice of a proposed rulemaking in the **Federal Register**. 5 U.S.C. 553(b). The notice requirement does not apply, however, ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). According to the APA's legislative history, a situation is ''impracticable'' when ''the due and required execution of the agency functions would be unavoidably prevented by its undertaking public rule-making proceedings.'' *See Administrative Procedure Act: Legislative History,* S. Doc. No. 248 79–258 (1946); *see also Attorney General's Manual on the Administrative Procedure Act* 15 (1947). '' 'Unnecessary' means unnecessary so far as the public is concerned, as would be the case if a minor or merely technical amendment in which the public is not particularly interested were involved.'' *Id.* ''Contrary to the public interest'' connotes a situation in which the interest of the public would be defeated by any requirement of advance notice. *Id.*

The notice to remove 11 CFR 109.10(e)(1)(vi) is unnecessary because that regulatory provision that has already been invalidated by a federal court and cannot be enforced. 5 U.S.C. 553(b)(B). Removing this provision from the regulations does not involve any exercise of discretion by the Commission. Moreover, because this provision is already unenforceable, the Commission's action will not affect the rights or interests of any person or entity, nor could the public notice and comment period benefit the Commission in this rulemaking.

In addition, a notice and comment period may be contrary to the public interest. The Commission notes that the 2022 elections for federal office are scheduled to take place on November 8, 2022. Although, as noted above, the Commission previously issued guidance on reporting requirements to the regulated community, the fundamental part of that guidance should be reflected in the Commission's regulation as soon as possible before the general election.

In addition, because this interim final rule is exempt from the notice and comment procedure under 5 U.S.C. 553(b), the Commission is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 and 604 (Regulatory Flexibility Act). *See* 5 U.S.C. 601(2) and 604(a).

List of Subjects in 11 CFR Part 109

Coordinated and independent expenditures.

For the reasons set out in the preamble, the Commission is amending 11 CFR part 109 as follows:

PART 109—COORDINATED AND INDEPENDENT EXPENDITURES (52 U.S.C. 30101(17), 30116(a) AND (d), AND PUBLIC LAW 107–155 SEC. 214(C))

■ 1. The authority citation for part 109 continues to read as follows:

Authority: 52 U.S.C. 30101(17), 30104(c), 30111(a)(8), 30116, 30120; Sec. 214(c), Pub. L. 107–155, 116 Stat. 81.

■ 2. Section 109.10 is amended by removing and reserving paragraph (e)(1)(vi) and by adding a note to paragraph (e)(1).

The addition reads as follows:

§ 109.10 How do political committees and other persons report independent expenditures?

* * * * *

(e) * * *

(1) * * *

Note to § 109.10(e)(1): On August 3, 2018, the United States District Court for the District of Columbia vacated 11 CFR 109.10(e)(1)(vi). *CREW* v. *FEC,* 316 F. Supp. 3d 349 (Aug. 3, 2018), *aff'd,* 971 F.3d 340 (D.C. Cir. 2020). Section 30104(c) of title 52 of the U.S. Code and the remaining provisions of 11 CFR 109.10 remain in force.

* * * * *

Dated: June 8, 2022.

On behalf of the Commission,

Allen J. Dickerson,

Chairman, Federal Election Commission.

[FR Doc. 2022–12771 Filed 6–13–22; 8:45 am]

BILLING CODE 6715–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1002

Consumer Financial Protection Circular 2022–03: Adverse Action Notification Requirements in Connection With Credit Decisions Based on Complex Algorithms

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Consumer financial protection circular.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2022–03, titled, ''Adverse Action Notification Requirements in Connection with Credit Decisions Based on Complex Algorithms.'' In this circular, the Bureau responds to the question, ''When creditors make credit decisions based on complex algorithms that prevent creditors from accurately identifying the specific reasons for denying credit or taking other adverse actions, do these creditors need to comply with the Equal Credit Opportunity Act's requirement to provide a statement of specific reasons to applicants against whom adverse action is taken?''

DATES: The Bureau released this circular on its website on May 26, 2022.

ADDRESSES: Enforcers, and the broader public, can provide feedback and comments to *Circulars@cfpb.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Davis, Attorney-Advisor, Office of Fair Lending and Equal Opportunity, at (202) 435–7000. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

Question Presented

When creditors make credit decisions based on complex algorithms that prevent creditors from accurately identifying the specific reasons for denying credit or taking other adverse actions, do these creditors need to comply with the Equal Credit Opportunity Act's (ECOA's) requirement to provide a statement of specific reasons to applicants against whom adverse action is taken?

Response

Yes. ECOA and Regulation B require creditors to provide statements of specific reasons to applicants against whom adverse action is taken. Some creditors may make credit decisions based on certain complex algorithms,

sometimes referred to as uninterpretable or ''black-box'' models, that make it difficult—if not impossible—to accurately identify the specific reasons for denying credit or taking other adverse actions.[1] The adverse action notice requirements of ECOA and Regulation B, however, apply equally to all credit decisions, regardless of the technology used to make them. Thus, ECOA and Regulation B do not permit creditors to use complex algorithms when doing so means they cannot provide the specific and accurate reasons for adverse actions.

Analysis

ECOA makes it unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex or marital status, age (provided the applicant has the capacity to contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.[2] In addition, ECOA provides that a creditor must provide a statement of specific reasons in writing to applicants against whom adverse action is taken.[3] ''Adverse action[s]'' include denying an application for credit, terminating an existing credit account, making unfavorable changes to the terms of an existing account, and refusing to increase a credit limit.[4]

Pursuant to Regulation B, a statement of reasons for adverse action taken ''must be *specific and indicate the principal reason(s)* for the adverse action.'' [5] Regulation B explains that ''[s]tatements that the adverse action was based on the creditor's internal standards or policies or that the applicant, joint applicant, or similar party failed to achieve a qualifying score on the creditor's credit scoring system are insufficient.'' [6] The Official Interpretations to Regulation B explain that ''[t]he specific reasons disclosed . . . must relate to and accurately describe the factors actually considered or scored by a creditor.'' [7] Moreover, while appendix C of Regulation B includes sample forms intended for use in notifying an applicant that adverse action has been taken, ''[i]f the reasons listed on the forms are not the factors actually used, a creditor will *not* satisfy the notice requirement by simply checking the closest identifiable factor listed.'' [8] With respect to adverse actions based on a credit scoring system specifically, the Official Interpretations explain that—

> [T]he reasons disclosed must relate only to those factors actually scored in the system. Moreover, no factor that was a principal reason for adverse action may be excluded from disclosure. The creditor must disclose the actual reasons for denial (for example, ''age of automobile'') even if the relationship of that factor to predicting creditworthiness may not be clear to the applicant.[9]

ECOA's notice requirements ''were designed to fulfill the twin goals of consumer protection and education.'' [10] In terms of consumer protection, ''the notice requirement is intended to prevent discrimination *ex ante* because 'if creditors know they must explain their decisions . . . they [will] effectively be discouraged' from discriminatory practices.'' [11] The notice requirement ''fulfills a broader need'' as well by educating consumers about the reasons for the creditor's action.[12] As a result of being informed of the specific reasons for the adverse action, consumers can take steps to try to improve their credit status or, in cases ''where the creditor may have acted on misinformation or inadequate information[,] . . . to rectify the mistake.'' [13] In addition, Congress also believed ECOA's notice requirement would have ''a beneficial competitive effect on the credit marketplace.'' [14]

Creditors who use complex algorithms, including artificial intelligence or machine learning, in any aspect of their credit decisions must still provide a notice that discloses the specific principal reasons for taking an adverse action. Whether a creditor is using a sophisticated machine learning algorithm or more conventional methods to evaluate an application, the legal requirement is the same: Creditors must be able to provide applicants against whom adverse action is taken with an accurate statement of reasons.[15] The statement of reasons ''must be specific and indicate the principal reason(s) for the adverse action.'' [16] A creditor cannot justify noncompliance with ECOA and Regulation B's requirements based on the mere fact that the technology it employs to evaluate applications is too complicated or opaque to understand. A creditor's lack of understanding of its own methods is therefore not a cognizable defense against liability for violating ECOA and Regulation B's requirements.

About Consumer Financial Protection Circulars

Consumer Financial Protection Circulars are issued to all parties with authority to enforce Federal consumer financial law. The CFPB is the principal Federal regulator responsible for administering Federal consumer financial law, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices, 12 U.S.C. 5536(a)(1)(B), and 18 other ''enumerated consumer laws,'' 12 U.S.C. 5481(12). However, these laws are also enforced by State attorneys general and State regulators, 12 U.S.C. 5552, and prudential regulators including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the

[1] While some creditors may rely upon various post-hoc explanation methods, such explanations approximate models and creditors must still be able to validate the accuracy of those approximations, which may not be possible with less interpretable models.

[2] 15 U.S.C. 1691(a).

[3] 15 U.S.C. 1691(d)(2)(A), (B); *see also* 15 U.S.C. 1691(d)(3). A creditor may either provide the notice or follow certain requirements to inform consumers on how to obtain such notice. 15 U.S.C. 1691(d)(2)(B).

[4] 12 CFR 1002.2(c).

[5] 12 CFR 1002.9(b)(2) (emphasis added); *see also* 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(2)–9 (''The Fair Credit Reporting Act (FCRA) requires a creditor to disclose when it has based its decision in whole or in part on information from a source other than the applicant or its own files. . . . The FCRA also requires a creditor to disclose, as applicable, a credit score it used in taking adverse action along with related information, including up to four key factors that adversely affected the consumer's credit score (or up to five factors if the number of inquiries made with respect to that consumer report is a key factor). Disclosing the key factors that adversely affected the consumer's credit score does not satisfy the ECOA requirement to disclose specific reasons for denying or taking other adverse action on an application or extension of credit.'').

[6] 12 CFR 1002.9(b)(2).

[7] 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(1)–2. A creditor, however, ''need not describe how or why a factor adversely affected an applicant.'' 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(1)–3.

[8] 12 CFR part 1002 (app. C), comment 4 (emphasis added). The sample forms are illustrative and may not be appropriate for all creditors. If a creditor chooses to use the checklist of reasons provided in one of the sample forms and if reasons commonly used by the creditor are not provided on the form, the creditor should modify the checklist by substituting or adding other reasons. 12 CFR part 1002 (app. C), comment 3.

[9] 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(1)–4.

[10] *Fischl* v. *Gen. Motors Acceptance Corp.,* 708 F.2d 143, 146 (5th Cir. 1983); *see also id.* (calling these provisions ''[p]erhaps the most significant of the 1976 amendments to the ECOA'').

[11] *Treadway* v. *Gateway Chevrolet Oldsmobile, Inc.,* 362 F.3d 971, 977–78 (7th Cir. 2004) (quoting *Fischl,* 708 F.2d at 146); *see also* S. Rep. 94–589, 94th Cong., 2d Sess., at 4, *reprinted in* 1976 U.S.S.C.A.N. 403, 406 (calling the notice requirement ''a strong and necessary adjunct to the antidiscrimination purpose of the legislation'').

[12] S. Rep. 94–589, 94th Cong., 2d Sess., at 4, *reprinted in* 1976 U.S.S.C.A.N. 403, 406.

[13] *Id.*

[14] S. Rep. No. 94–589, at 4, 7 (1976).

[15] 15 U.S.C. 1691(d)(2)(A), (B); 12 CFR 1002.9(a)(2)(i), (ii).

[16] 12 CFR 1002.9(b)(2).

Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2) (exclusive enforcement authority for banks and credit unions with $10 billion or less in assets). Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice and the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Consumer Financial Protection Circulars are intended to promote consistency in approach across the various enforcement agencies and parties, pursuant to the CFPB's statutory objective to ensure Federal consumer financial law is enforced consistently. 12 U.S.C. 5511(b)(4).

Consumer Financial Protection Circulars are also intended to provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions. *See, e.g.,* 12 U.S.C. 5552(b) (consultation with CFPB by State attorneys general and regulators); 12 U.S.C. 5562(a) (joint investigatory work between CFPB and other agencies).

Consumer Financial Protection Circulars are general statements of policy under the Administrative Procedure Act. 5 U.S.C. 553(b). They provide background information about applicable law, articulate considerations relevant to the Bureau's exercise of its authorities, and, in the interest of maintaining consistency, advise other parties with authority to enforce Federal consumer financial law. They do not restrict the Bureau's exercise of its authorities, impose any legal requirements on external parties, or create or confer any rights on external parties that could be enforceable in any administrative or civil proceeding. The CFPB Director is instructing CFPB staff as described herein, and the CFPB will then make final decisions on individual matters based on an assessment of the factual record, applicable law, and factors relevant to prosecutorial discretion.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–12729 Filed 6–13–22; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Chapter X

Consumer Financial Protection Circular 2022–02: Deceptive Representations Involving the FDIC's Name or Logo or Deposit Insurance

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Consumer financial protection circular.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2022–02, titled, ''Deceptive representations Involving the FDIC's Name or Logo or Deposit Insurance.'' In this circular, the Bureau responds to the question, ''When do representations involving the name or logo of the Federal Deposit Insurance Corporation (FDIC) or about deposit insurance constitute a deceptive act or practice in violation of the Consumer Financial Protection Act (CFPA)?''

DATES: The Bureau released this circular on its website on May 17, 2022.

ADDRESSES: Enforcers, and the broader public, can provide feedback and comments to *Circulars@cfpb.gov.*

FOR FURTHER INFORMATION CONTACT: Brad Lipton, Senior Counsel, Legal Division, at (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

Question Presented

When do representations involving the name or logo of the Federal Deposit Insurance Corporation (FDIC) or about deposit insurance constitute a deceptive act or practice in violation of the Consumer Financial Protection Act (CFPA)?

Response

Covered persons or service providers likely violate the CFPA's prohibition on deception if they misuse the name or logo of the FDIC or engage in false advertising or make misrepresentations to consumers about deposit insurance, regardless of whether such conduct (including the misrepresentation of insured status) is engaged in knowingly. Representations about deposit insurance may be particularly relevant with respect to new financial products or services, especially those involving new technologies such as digital assets, including crypto-assets.

Analysis

The Bureau administers a number of laws and regulations relating to the offering or providing of deposit accounts, including these provisions: [1]

- The Truth in Savings Act and its implementing regulation (Regulation DD), which enable consumers to make informed decisions about their accounts at depository institutions through the use of uniform disclosures; [2]
- The Electronic Fund Transfer Act and its implementing regulation (Regulation E), which protect consumers engaging in electronic fund transfers and remittance transfers; [3]
- Portions of the Federal Deposit Insurance Act (FDI Act) and its implementing regulations, which require depository institutions lacking Federal deposit insurance to make certain disclosures; [4]
- The CFPA, which, among other things, prohibits unfair, deceptive, or abusive acts or practices.[5]

Deposit insurance has long been a means to promote confidence in the banking system. The most common form of deposit insurance is administered by the Federal Deposit Insurance Corporation (FDIC).[6] The FDIC insures deposits at FDIC-insured banks and savings associations up to the maximum deposit insurance amount, currently $250,000, per depositor, per FDIC-insured bank, for each account ownership category.[7]

Representations about deposit insurance may be particularly relevant with respect to new financial products or services, especially those involving new technologies such as digital assets, including crypto assets. New technologies may yield significant benefits for consumers, workers, and small businesses. Nonetheless, especially with respect to new

[1] *See* 12 U.S.C. 5481(12), (14), 5511.

[2] *See* 12 U.S.C. 4301–4313; 12 CFR pt. 1030; CFPB Exam Handbook, at TISA 1, *https://files.consumerfinance.gov/f/documents/cfpb_supervision-and-examination-manual.pdf.*

[3] *See* 15 U.S.C. 1693–1693r; 12 CFR pt. 1005; CFPB Exam Handbook, at EFTA 1, *https://files.consumerfinance.gov/f/documents/cfpb_supervision-and-examination-manual.pdf.*

[4] *See* 12 U.S.C. 1831t(b)–(f); 12 CFR pt. 1009.

[5] *See* 12 U.S.C. 5531, 5536; CFPB Exam Handbook, at UDAAP 1, *https://files.consumerfinance.gov/f/documents/cfpb_supervision-and-examination-manual.pdf.*

[6] Additionally, accounts at federally insured credit unions are insured through the National Credit Union Share Insurance Fund (NCUSIF). *See* NCUA, *How Your Accounts are Federally Insured* (Feb. 2018), *https://www.ncua.gov/files/publications/guides-manuals/NCUAHowYourAcctInsured.pdf.*

[7] *See* FDIC, *Your Insured Deposits,* at 3 (Jan. 2020), *https://www.fdic.gov/resources/deposit-insurance/brochures/documents/your-insured-deposits-english.pdf.*

technologies, some market participants may seek to entice consumers to use their products or services by deceptively advertising that uninsured products or services are FDIC-insured. These misrepresentations disadvantage financial institutions that truthfully market FDIC-insured accounts to consumers. Such misrepresentations also harm consumers, who may find that their assets are not insured in a time of financial distress.

The CFPB is issuing this circular to emphasize that covered persons and service providers are required to comply with the CFPA with respect to representations to consumers involving the name or logo of the FDIC and representations about deposit insurance. The CFPB is issuing this circular in connection with the FDIC's adoption of a regulation on related subject matter involving section 18(a)(4) of the FDI Act, 12 U.S.C. 1828(a)(4).[8] Thus, the circular is particularly focused on misrepresentations to consumers about FDIC insurance. This circular describes certain misrepresentations to consumers that can violate the CFPA's prohibition on deceptive acts or practices in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.[9] This circular notes that misrepresentations to consumers may violate the CFPA regardless of whether they are made knowingly.

Section 18(a)(4) of the FDI Act, 12 U.S.C. 1828(a)(4), prohibits any person from engaging in false advertising or misusing the name or logo of the FDIC to represent or imply that uninsured deposits are FDIC-insured and from making knowing misrepresentations about the extent or manner of deposit insurance provided to any deposits.[10] Under the CFPA, covered persons and service providers are prohibited from committing or engaging in an unfair, deceptive, or abusive act or practice in connection with the offering or provision of a consumer financial product or service.[11] A covered person includes any person that engages in offering or providing financial products or services for use by consumers primarily for personal, family, or household purposes.[12] Financial products or services are defined to include, for example, engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer, as well as (subject to certain exceptions) selling, providing, or issuing stored value or payment instruments.[13]

Material misrepresentations are ''deceptive'' practices in violation of the CFPA.[14] Like FDI Act section 18(a)(4)(A), which prohibits any false advertising or misuse of the name or logo of the FDIC, but unlike under FDI Act section 18(a)(4)(B), which prohibits knowing misrepresentations regarding the extent or manner that deposits are insured, a misrepresentation to consumers may violate the CFPA's prohibition on deception regardless of whether the misrepresentation was made knowingly.[15] Additionally, disclaimers may not cure otherwise deceptive messages or practices.

Covered persons or service providers likely violate the CFPA's prohibition on deception if they misuse the name or logo of the FDIC or engage in false advertising or make misrepresentations to consumers about deposit insurance, regardless of whether such conduct (including the misrepresentation of insured status) is engaged in knowingly. Representations made by covered persons or service providers about FDIC insurance will typically be material.[16] Accordingly, for example, if a person engages in or purports to engage in deposit-taking activity by accepting (or offering to accept) funds for use by consumers, and that person misrepresents that such funds are insured by the FDIC, that person likely violates the CFPA's prohibition on deception, even if the misrepresentation was not made knowingly. Similarly deceptive are claims that consumer financial products or services are ''regulated'' by the FDIC or ''insured'' or ''eligible for'' FDIC insurance if those claims expressly or implicitly indicate that the product is FDIC-insured when that is not in fact the case. In particular, firms offering or providing digital assets, including crypto assets, may be particularly prone to making such deceptive claims to consumers about FDIC deposit insurance coverage.

About Consumer Financial Protection Circulars

Consumer Financial Protection Circulars are issued to all parties with authority to enforce Federal consumer financial law. The CFPB is the principal Federal regulator responsible for administering Federal consumer financial law, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices, 12 U.S.C. 5536(a)(1)(B), and 18 other ''enumerated consumer laws,'' 12 U.S.C. 5481(12). However, these laws are also enforced by State attorneys general and State regulators, 12 U.S.C. 5552, and prudential regulators including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2) (exclusive enforcement authority for banks and credit unions with $10

[8] *See* FDIC, *Final Rule on False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo* (adopted May 17, 2022), *https://www.fdic.gov/news/board-matters/2022/2022-05-17-notice-dis-a-fr.pdf.*

[9] This *Circular* does not constitute an interpretation of section 18(a)(4) of the FDI Act, rules adopted thereunder, or the authorities of the FDIC.

[10] Specifically, FDI Act section 18(a)(4)(A) prohibits any person from representing or implying that any deposit liability, obligation, certificate, or share is insured or guaranteed by the FDIC if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the FDIC (i) by using the terms ''Federal Deposit,'' ''Federal Deposit Insurance,'' ''Federal Deposit Insurance Corporation,'' any combination of such terms, or the abbreviation ''FDIC'' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or (ii) by using such terms or any other terms, sign, or symbol as part of an advertisement, solicitation, or other document. 12 U.S.C. 1828(a)(4)(A). FDI Act section 18(a)(4)(B) prohibits any person from knowingly misrepresenting (i) that any deposit liability, obligation, certificate, or share is insured by the FDIC if such deposit liability, obligation, certificate, or share is not so insured; or (ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the FDIC if such deposit liability, obligation, certificate, or share is not so insured to the extent or in the manner represented. 12 U.S.C. 1828(a)(4)(B).

[11] 12 U.S.C. 5531, 5536.

[12] 12 U.S.C. 5481(5), (6).

[13] 12 U.S.C. 5481(15)(A)(iv), (v); *see also* 12 U.S.C. 5481(8).

[14] *See, e.g., CFPB* v. *Gordon,* 819 F.3d 1179, 1192–93 (9th Cir. 2016).

[15] *See, e.g., FTC* v. *Verity Int'l, Ltd.,* 443 F.3d 48, 63 (2d Cir. 2006) (''The deception need not be made with intent to deceive. . . .''); *FTC* v. *Bay Area Bus. Council, Inc.,* 423 F.3d 627, 635 (7th Cir. 2005) (''The FTC is not, however, required to prove intent to deceive.''); *FTC* v. *Freecom Communications, Inc.,* 401 F.3d 1192, 1204 n.7 (10th Cir. 2005) (''Unlike the elements of common law fraud, the FTC need not prove scienter, reliance, or injury to establish a [section] 5 violation.'').

[16] Certain categories of information are presumed to be material. In general, information about the central characteristics of a consumer financial product or service—such as costs, benefits, or restrictions on the use or availability—is presumed to be material. Express claims made with respect to a consumer financial product or service are presumed material. Implied claims are presumed to be material when evidence shows that the institution intended to make the claim (even though intent to deceive is not necessary for deception to exist). Omissions will be presumed to be material when the financial institution knew or should have known that the consumer needed the omitted information to evaluate the product or service. *See* CFPB Exam Handbook, at UDAAP 7, *https://files.consumerfinance.gov/f/documents/cfpb_supervision-and-examination-manual.pdf.*

billion or less in assets). Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice and the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Consumer Financial Protection Circulars are intended to promote consistency in approach across the various enforcement agencies and parties, pursuant to the CFPB's statutory objective to ensure Federal consumer financial law is enforced consistently. 12 U.S.C. 5511(b)(4).

Consumer Financial Protection Circulars are also intended to provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions. *See, e.g.,* 12 U.S.C. 5552(b) (consultation with CFPB by State attorneys general and regulators); 12 U.S.C. 5562(a) (joint investigatory work between CFPB and other agencies).

Consumer Financial Protection Circulars are general statements of policy under the Administrative Procedure Act. 5 U.S.C. 553(b). They provide background information about applicable law, articulate considerations relevant to the Bureau's exercise of its authorities, and, in the interest of maintaining consistency, advise other parties with authority to enforce Federal consumer financial law. They do not restrict the Bureau's exercise of its authorities, impose any legal requirements on external parties, or create or confer any rights on external parties that could be enforceable in any administrative or civil proceeding. The CFPB Director is instructing CFPB staff as described herein, and the CFPB will then make final decisions on individual matters based on an assessment of the factual record, applicable law, and factors relevant to prosecutorial discretion.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–12728 Filed 6–13–22; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Chapter X

Consumer Financial Protection Circular 2022–01: System of Consumer Financial Protection Circulars to Agencies Enforcing Federal Consumer Financial Law

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Consumer financial protection circular.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2022–01, titled, ''System of Consumer Financial Protection Circulars to Agencies Enforcing Federal Consumer Financial Law.'' In this circular, the Bureau outlines its efforts to promote consistency among enforcers and fair competition in the market by launching a new system to provide guidance to other agencies with consumer financial protection responsibilities on how the CFPB intends to enforce Federal consumer financial law.

DATES: The Bureau released this circular on its website on May 16, 2022.

ADDRESSES: Enforcers, and the broader public, can provide feedback and comments to *Circulars@cfpb.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Shearer, Senior Advisor, Office of the Director; Brad Lipton, Senior Counsel, Legal Division, at (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The CFPB will issue *Consumer Financial Protection Circulars* to the broad set of government agencies responsible for enforcing Federal consumer financial law.

The CFPB is the principal Federal regulator responsible for administering the Federal consumer financial laws, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices,[1] and eighteen other ''enumerated consumer laws.'' [2] However, the CFPB is not the only enforcer of these laws; enforcement responsibility is spread among a large set of State and Federal government agencies. This includes, most notably, State attorneys general and State regulators [3] and prudential regulators such as the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration.[4] Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice, the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Given the broad variety of agencies responsible for enforcing Federal consumer financial law, there is a risk that companies might encounter inconsistent enforcement strategies and approaches. One of the CFPB's five statutory objectives is to ensure Federal consumer financial law is enforced consistently regardless of the status of a person as a chartered bank or nonbank.[5] Many entities are subject to the jurisdiction of multiple agencies, and to maintain certainty of expectations for those companies with multiple regulators, it is important for State and Federal government agencies to consistently enforce the laws that the CFPB administers. Consistency is also imperative to creating a level playing field between companies that compete in the same market but are subject to the jurisdiction of different enforcers and *Consumer Financial Protection Circulars* will provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions.

As described more fully below, *Consumer Financial Protection Circulars* will be policy statements under the Administrative Procedure Act and will be released publicly to increase transparency for the benefit of the public and regulated entities. *Consumer Financial Protection Circulars* will provide background information about applicable law, articulate considerations relevant to the CFPB's exercise of its authorities and advise other parties with authority to enforce Federal consumer financial law. The Director of the CFPB will authorize issuance of each *Consumer Financial Protection Circular,* and the CFPB will publish them on its website and in the **Federal Register**.

The CFPB is beginning to identify a number of issues that would benefit from clear and consistent enforcement, and the CFPB intends to issue new *Consumer Financial Protection Circulars* to advance these goals. The

[1] 12 U.S.C. 5536(a)(1)(B).

[2] 12 U.S.C. 5481(12).

[3] 12 U.S.C. 5552.

[4] *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2).

[5] 12 U.S.C. 5511(b)(4).

CFPB strongly encourages enforcers of Federal consumer financial law to contact the CFPB with suggestions for new *Consumer Financial Protection Circulars.* The CFPB is also interested in receiving feedback on any *Consumer Financial Protection Circulars* it issues. Enforcers, and the broader public, can also provide feedback and comments to *Circulars@cfpb.gov.*

About Consumer Financial Protection Circulars

Consumer Financial Protection Circulars are issued to all parties with authority to enforce Federal consumer financial law. The CFPB is the principal Federal regulator responsible for administering Federal consumer financial law, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices, 12 U.S.C. 5536(a)(1)(B), and 18 other ''enumerated consumer laws,'' 12 U.S.C. 5481(12). However, these laws are also enforced by State attorneys general and State regulators, 12 U.S.C. 5552, and prudential regulators including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2) (exclusive enforcement authority for banks and credit unions with $10 billion or less in assets). Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice and the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Consumer Financial Protection Circulars are intended to promote consistency in approach across the various enforcement agencies and parties, pursuant to the CFPB's statutory objective to ensure Federal consumer financial law is enforced consistently. 12 U.S.C. 5511(b)(4).

Consumer Financial Protection Circulars are also intended to provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions. *See, e.g.,* 12 U.S.C. 5552(b) (consultation with CFPB by State attorneys general and regulators); 12 U.S.C. 5562(a) (joint investigatory work between CFPB and other agencies).

Consumer Financial Protection Circulars are general statements of policy under the Administrative Procedure Act. 5 U.S.C. 553(b). They provide background information about applicable law, articulate considerations relevant to the Bureau's exercise of its authorities, and, in the interest of maintaining consistency, advise other parties with authority to enforce Federal consumer financial law. They do not restrict the Bureau's exercise of its authorities, impose any legal requirements on external parties, or create or confer any rights on external parties that could be enforceable in any administrative or civil proceeding. The CFPB Director is instructing CFPB staff as described herein, and the CFPB will then make final decisions on individual matters based on an assessment of the factual record, applicable law, and factors relevant to prosecutorial discretion.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

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BILLING CODE 4810–AM–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AH10

Small Business Size Standards: Wholesale Trade and Retail Trade

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is increasing its receipts-based and employee-based small business size definitions (commonly referred to as ''size standards'') for North American Industry Classification System (NAICS) sectors related to Wholesale Trade and Retail Trade. Specifically, SBA is increasing size standards for 57 industries in those sectors, including 22 industries in NAICS Sector 42 (Wholesale Trade) and 35 industries in NAICS Sector 44–45 (Retail Trade).

DATES: This rule is effective July 14, 2022.

FOR FURTHER INFORMATION CONTACT: Samuel Castilla, Economist, Office of Size Standards, (202) 619–0389 or *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION:

Discussion of Size Standards

To determine eligibility for Federal small business assistance, SBA establishes small business size definitions (usually referred to as ''size standards'') for private sector industries in the United States. SBA uses two primary measures of business size for size standards purposes: average annual receipts and average number of employees. SBA uses financial assets for certain financial industries and refining capacity, in addition to employees, for the petroleum refining industry to measure business size. In addition, SBA's Small Business Investment Company (SBIC), Certified Development Company (CDC/504), and 7(a) Loan Programs use either the industry-based size standards or tangible net worth and net income-based alternative size standards to determine eligibility for those programs.

In September 2010, Congress passed the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504, September 27, 2010) (''Jobs Act''), requiring SBA to review all size standards every five years and make necessary adjustments to reflect current industry and market conditions. In accordance with the Jobs Act, in early 2016, SBA completed the first five-year review of all size standards—except those for agricultural enterprises for which size standards were previously set by Congress—and made appropriate adjustments to size standards for a number of industries to reflect current industry and Federal market conditions. SBA also adjusts its monetary-based size standards for inflation at least once every five years. An interim final rule on SBA's latest inflation adjustment to size standards, effective August 19, 2019, was published in the **Federal Register** on July 18, 2019 (84 FR 34261). SBA also updates its size standards every five years to adopt the Office of Management and Budget's (OMB) quinquennial North American Industry Classification System (NAICS) revisions to its table of small business size standards. Effective October 1, 2017, SBA adopted the OMB's 2017 NAICS revisions to its size standards (82 FR 44886 (September 27, 2017)).[1]

This final rule is one of a series of final rules that will revise size standards of industries grouped by various NAICS sectors. Rather than revise all size standards at one time, SBA is revising size standards by grouping industries

[1] On December 21, 2021, the U.S. Office of Management and Budget (OMB) published its ''Notice of NAICS 2022 Final Decisions . . .'' (86 FR 72277), accepting the Economic Classification Policy Committee (ECPC) recommendations, as outlined in the July 2, 2021, **Federal Register** notice (86 FR 35350), for the 2022 revisions to the North American Industry Classification System (NAICS), ...'' In the near future, SBA will issue a proposed rule to adopt the OMB's NAICS 2022 revisions for its table of size standards. SBA anticipates updating its size standards with the NAICS 2022 revisions, effective October 1, 2022.

within various NAICS sectors that use the same size measure (*i.e.,* employees or receipts). Although the industries in Sectors 42 and 44–45 have both receipt-based and employee-based industry size standards, SBA is evaluating these sectors together because these size standards share the characteristic that they cannot be used in Federal contracts for supplies. Instead, by rule, these size standards are superseded by a 500-employee size standard for Federal contracts in the Wholesale and Retail Trade sectors. In the prior review, SBA revised size standards mostly on a sector-by-sector basis. As part of the second five-year review of size standards, SBA reviewed all receipt-based and employee-based size standards in NAICS Sectors 42 and 44–45 to determine whether the existing size standards should be retained or revised based on the current industry and program data. After its review, SBA published in the May 25, 2021, issue of the **Federal Register** (86 FR 28012) a proposed rule to increase the size standards for 14 industries in NAICS Sector 42 (Wholesale Trade) and 35 industries in NAICS Sector 44–45 (Retail Trade). In this final rule, SBA is adopting the proposed size standards from the May 2021 proposed rule without change, except for eight industries in Sector 42 for which SBA is increasing size standards instead of maintaining them as proposed after refining its analysis of the economic characteristics of the comparison industry group.

In conjunction with the ongoing second five-year review of size standards under the Jobs Act, SBA developed a revised ''Size Standards Methodology'' (Methodology) for developing, reviewing, and modifying size standards, when necessary. SBA's revised Methodology provides a detailed description of its analyses of various industry and program factors and data sources, and how the agency uses the results to establish and revise size standards. In the May 2021 proposed rule itself, SBA detailed how it applied its revised Methodology to review and modify where necessary, the existing size standards for industries covered in this final rule. Prior to finalizing the revised Methodology, SBA issued a notification in the April 27, 2018, edition of the **Federal Register** (83 FR 18468) to solicit comments from the public and notify stakeholders of the proposed changes to the Methodology. SBA considered all public comments in finalizing the revised Methodology. For a summary of comments and SBA's responses, refer to SBA's April 11, 2019, **Federal Register** notification (84 FR 14587) of the issuance of the final revised Methodology. SBA's Size Standards Methodology is available on its website at *www.sba.gov/size.*

In evaluating an industry's size standard, SBA normally examines its characteristics (such as average firm size, startup costs and entry barriers, industry competition, and distribution of firms by size) and the level and small business share of Federal contract dollars in that industry. However, since NAICS codes in the Wholesale Trade and Retail Trade sectors cannot be used to classify Federal Government procurement for supplies, and only the applicable manufacturing code can be applied, the Federal contracting factor is not considered in evaluating industry-based size standards for these sectors (13 CFR 121.402(b)). SBA also examines the potential impact a size standard revision might have on its financial assistance programs, and whether a business concern under a proposed or revised size standard would be dominant in its industry.

SBA analyzed the characteristics of each industry in NAICS Sectors 42 and 44–45, mostly using a special tabulation obtained from the U.S. Bureau of the Census from its 2012 Economic Census (the latest available when the proposed rule was prepared). The 2012 special tabulation contains information for different levels of NAICS categories on average (simple and weighted average) and median firm size in terms of both receipts and employment, total receipts generated by the four and eight largest firms, the Herfindahl-Hirschman Index (HHI), the Gini coefficient, and size distributions of firms by various receipts and employment size groupings. To evaluate average asset size, SBA combines the sales to total assets ratios by industry, obtained from the Risk Management Association's (RMA) Annual eStatement Studies (*https://www.rmahq.org/statementstudies/*) with the simple average receipts size by industry from the 2012 Economic Census tabulation to estimate the average assets size for each industry.

Table 5 of the May 2021 proposed rule, Size Standards Supported by Each Factor for Each Industry (Employees) and Table 6, Size Standards Supported by Each Factor for Each Industry (Receipts), show the results of analyses of industry factors for each industry covered by the proposed rule. Of the 137 industries, including 71 in Sector 42 and 66 in Sector 44–45, reviewed in the proposed rule, the results from analyses of the latest available data on the four primary industry factors (*i.e.,* average firm size, average assets size, four-firm ratio, and Gini coefficient) supported increasing size standards for 49 industries (14 in Sector 42 and 35 in Sector 44–45), decreasing size standards for 66 industries (38 in Sector 42 and 28 in Sector 44–45), and maintaining size standards for 22 industries (19 in Sector 42 and 3 in Sector 44–45). Table 1, Summary of Calculated Size Standards, summarizes the analytical results from the proposed rule by NAICS sector.

TABLE 1—SUMMARY OF CALCULATED SIZE STANDARDS

Sector	Sector name	Number of size standards reviewed	Number of size standards increased	Number of size standards decreased	Number of size standards maintained
42	Wholesale Trade	71	14	38	19
44–45	Retail Trade	66	35	28	3
Total		137	49	66	22

In the May 2021 proposed rule, SBA discussed the impacts of the COVID–19 pandemic on small businesses and greater society. Recognizing the wide-ranging economic impacts of the pandemic, SBA decided not to lower any size standards for which the analysis suggested lowering them. Instead, SBA proposed to maintain all size standards for industries in which the analytical results supported a decrease or no change to size standards and adopt all size standards for which the analytical results supported an increase to size standards. In this final rule, SBA is adopting the proposed size standards from the May 2021 proposed rule without change, except for eight

industries in Sector 42 for which SBA is increasing size standards instead of maintaining them as proposed after refining its analysis of the economic characteristics of the comparison industry group in accordance with its ''Size Standards Methodology.'' Specifically, SBA is increasing the size standards for the following eight additional NAICS industries from 100 employees to 125 employees: NAICS 423740 (Refrigeration Equipment and Supplies Merchant Wholesalers); NAICS 423820 (Farm and Garden Machinery and Equipment Merchant Wholesalers); NAICS 423840 (Industrial Supplies Merchant Wholesalers); NAICS 423850 (Service Establishment Equipment and Supplies Merchant Wholesalers); NAICS 423930 (Recyclable Material Merchant Wholesalers); NAICS 423940 (Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers); NAICS 424520 (Livestock Merchant Wholesalers); and NAICS 425110 (Business to Business Electronic Markets).

To evaluate the impact of the changes to size standards adopted in this final rule on SBA's loan programs, SBA analyzed its internal data on its guaranteed and disaster loan programs for fiscal years 2018–2020. The results of this analysis can be found in the Regulatory Impact Analysis section of this final rule. The impact of these changes is limited to SBA's loan programs because, as discussed above, these size standards do not apply to Federal procurements, such as those in SBA's contracting programs.

In the May 2021 proposed rule, SBA sought comments on its proposal to increase size standards for 49 industries and retain the current size standards for the remaining 88 industries in Sectors 42 and 44–45. Specifically, SBA requested comments on whether the proposed revisions are appropriate for the industries covered by the proposed rule; whether the decision not to lower any size standards is justified by the COVID–19 pandemic; whether the equal weighting of individual factors to derive an industry size standard is appropriate; and whether the data sources used were appropriate or sufficient.

Discussion of Comments

SBA received a total of nine comments to the proposed rule, of which four were not pertinent. Of the remaining five comments that were pertinent to the rule, two comments expressed support for the proposed changes to size standards in general, one comment supported SBA's proposed change for the size standard for convenience store-related industries, one comment raised concern regarding SBA's proposal to retain the 500-employee size standard applicable to nonmanufacturers for purposes of Federal contracting, and one comment opposed the proposed changes. All comments to the proposed rule are available at *www.regulations.gov* (RIN 3245–AH10) and are summarized and discussed below.

Comments Supporting SBA's Proposed Changes to Both Sectors

SBA received two comments supporting SBA's proposed changes to size standards in both Wholesale Trade and Retail Trade sectors. One commenter supported the rule because they viewed size limits as an important tool for defining small businesses. The second commenter supported the rule on the grounds that it would result in more assistance to small businesses in the form of increased SBA loans and Federal contracting opportunities.

SBA's Response

SBA agrees with the comment that size limits are an important tool for defining small businesses for eligibility for Federal small business assistance. SBA's proposed changes will help more businesses qualify as small and ensure that SBA's resources and assistance are directed to their intended beneficiaries. SBA also agrees with the comment expressing support for the rule on the grounds that it would result in more assistance to small businesses in the form of increased financial assistance and Federal contracting opportunities. As shown in Table 6 in the Regulatory Impact Analysis section of the rule, below, SBA estimates that the changes to size standards in this final rule will result in an increase to the number of 7(a) and CDC/504 and Economic Injury Disaster Loan (EIDL) loans to small firms. Moreover, although industries within Sectors 42 and 44–45 cannot be used for purposes of classifying Federal contracting opportunities, SBA believes that all small businesses will benefit from this rule in terms of access to its financial assistance that is available for small businesses. Therefore, SBA is adopting increases to 49 size standards from the proposed rule plus increases to eight additional size standards based on its reevaluation of analytical results, as discussed above.

Comment Supporting Proposed Changes to the Convenience Services Industry

SBA received one comment from an association representing the U.S. convenience services industry, including owners and operators of vending machines and micro markets, expressing support for SBA's changes to size standards for the industries it represents. The commenter did not specify which 6-digit NAICS industries were the focus of their comment, but based on industry descriptions in the NAICS manual, SBA assumed the comment pertained to NAICS 445120 (Convenience Stores), NAICS 447110 (Gasoline Stations with Convenience Stores), NAICS 454210 (Vending Machine Operators), and NAICS 454390 (Other Direct Selling Establishments). The association supported SBA's proposed changes to size standards in these industries on the grounds that the changes would expand eligibility for SBA's assistance to operators that were previously ineligible to participate in SBA's programs and to those who may have experienced economic hardships related to the COVID–19 pandemic.

SBA's Response

In the May 2021 proposed rule, SBA proposed to increase the size standards for NAICS 454210 and 454390 from $12 million and $8 million to $18.5 million and $13 million, respectively. For NAICS 445120 and 447110, in response to the unprecedented economic impacts of the ongoing COVID–19 pandemic on small businesses and Federal Government response, in the May 2021 proposed rule, SBA proposed to retain their size standards at $32 million instead of decreasing them to $8.5 million and $21 million, respectively, based on analytical results. SBA agrees with the association that these changes will help more small businesses in these industries qualify for SBA's financial assistance. SBA believes that expanding the reach of its programs to include a greater number of small firms supports all small businesses and the overall economy as the Nation continues to recover from the economic challenges caused by the COVID–19 pandemic and small businesses remain in need of SBA's assistance as they recover from the pandemic. SBA believes that the proposed size standards for these industries are more reflective of the current economic characteristics of businesses in these industries and the latest trends in the economy. Thus, SBA is adopting its proposal to increase the size standards for NAICS 454210 and 454390 from $12 million and $8 million to $18.5 million and $13 million, respectively, and retain the size standards for NAICS 445120 and 447110 at $32.0 million.

Comment on the 500-Employee Size Standard Applicable to Nonmanufacturers for Purposes of Federal Contracting

In response to its proposal to retain the nonmanufacturer size standard at 500 employees, SBA received one comment to the May 2021 proposed rule from the members of the U.S. House of Representatives Subcommittee on Contracting and Infrastructure requesting that SBA evaluate the current 500-employee size standard under its nonmanufacturer rule. Specifically, the comment expressed concern that because the level of revenue is immaterial to the determination of size under the 500-employee nonmanufacturer size standard, the current rule may allow a firm with billions of dollars in revenues to qualify as a small business. They suggested that SBA conduct an assessment of the nonmanufacturing industry based on revenue and/or other factors that may be more appropriate to determine what may be considered small for the size of a business qualifying as a nonmanufacturer. The comment also raised other issues outside the scope of the SBA's proposed rule, such as reporting on SBA's small business procurement scorecard and SBA's process for granting waivers to the nonmanufacturing rule. SBA responded to the comments on those issues in a separate letter and addresses the comment regarding the 500-employee nonmanufacturer size standard below.

SBA's Response

While the nonmanufacturer rule applies to firms primarily engaged in business activities within Sectors 42 and 44–45, SBA did not review the 500-employee nonmanufacturer size standard in its May 2021 proposed rule. However, in an upcoming proposed rule covering the manufacturing sector and industries with employee-based size standards in other sectors (except Wholesale Trade or Retail Trade), SBA will examine whether the current 500-employee size standard for nonmanufacturers is appropriate and provide a detailed response to the Subcommittee's comment. That rulemaking will be identified under RIN 3245–AH09. Interested parties will have an opportunity to review the SBA's proposed rule and submit comments when the rule is published in the **Federal Register**. Thus, in this final rule, SBA is not evaluating the size standard for nonmanufacturers.

Comment Opposed to SBA's Proposed Changes

SBA received one comment opposed to its proposed changes on the grounds that SBA's size standards are generally too large and allow larger corporations to obtain small business status and to dominate the market. The commenter also recommended that SBA abolish the Davis-Bacon Act and other regulations that may place burdens on small businesses. The commenter also urged SBA to broadly define small businesses as those with less than 100 employees.

SBA's Response

SBA believes that establishing a common industry size standard of less than 100 employees for all wholesale and retail trade firms would be contrary to the Small Business Act. Under the Small Business Act (Act) (15 U.S.C. 632(a)), SBA's Administrator is responsible for establishing small business size definitions and ensuring that such definitions vary from industry to industry to reflect differences among various industries. The Jobs Act requires SBA to review every five years all size standards and make necessary adjustments to reflect current industry and Federal market conditions. The size standards adopted in this final rule are part of SBA's efforts to meet its statutory responsibility. Moreover, SBA conducted its review of size standards according to its Size Standards Methodology which was adopted through a notice and comment process. SBA considered all public comments in finalizing the revised Methodology, which included a detailed explanation of how these sectors would be analyzed.

SBA also does not agree with the comment urging SBA to abolish the Davis-Bacon Act and other regulations that may place burdens on small businesses. The Davis-Bacon Act requires contractors and subcontractors to pay laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area (Pub. L. 107–217, Sec. 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304). While the commenter did not specify which regulations would be included under the ''other'' category, SBA notes that it generally does not have the authority to repeal or override the regulations of other agencies or of Acts passed by Congress.

For the reasons above, in this final rule, SBA is adopting the proposed size standards from the May 2021 proposed rule without change, except for eight industries in Sector 42 for which SBA is increasing size standards instead of maintaining them in the proposed rule.

Summary of Adopted Revisions to Size Standards

Based on the evaluation of public comments it received on the May 2021 proposed rule and on its analyses of industry factors using the latest available relevant industry and program data when the proposed rule was prepared, SBA is increasing 57 size standards, including 22 employee-based size standards in NAICS Sector 42 and 35 receipts-based size standards in NAICS Sector 44–45. A summary of SBA's size standards revisions in this rule can be found below in Table 2, Summary of Size Standards Revisions (Employees) and Table 3, Summary of Size Standards Revisions (Receipts).

TABLE 2—SUMMARY OF SIZE STANDARDS REVISIONS

[Employees]

NAICS code	NAICS U.S. industry title	Current size standard (employees)	Calculated size standard (employees)	Adopted size standard (employees)
423110	Automobile and Other Motor Vehicle Merchant Wholesalers	250	225	250
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	200	150	200
423130	Tire and Tube Merchant Wholesalers	200	175	200
423140	Motor Vehicle Parts (Used) Merchant Wholesalers	100	125	125
423210	Furniture Merchant Wholesalers	100	50	100
423220	Home Furnishing Merchant Wholesalers	100	75	100
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	150	75	150
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	150	100	150
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers	200	225	225
423390	Other Construction Material Merchant Wholesalers	100	75	100
423410	Photographic Equipment and Supplies Merchant Wholesalers	200	150	200

TABLE 2—SUMMARY OF SIZE STANDARDS REVISIONS—Continued

[Employees]

NAICS code	NAICS U.S. industry title	Current size standard (employees)	Calculated size standard (employees)	Adopted size standard (employees)
423420	Office Equipment Merchant Wholesalers	200	200	200
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers.	250	225	250
423440	Other Commercial Equipment Merchant Wholesalers	100	50	100
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	200	200	200
423460	Ophthalmic Goods Merchant Wholesalers	150	175	175
423490	Other Professional Equipment and Supplies Merchant Wholesalers	150	125	150
423510	Metal Service Centers and Other Metal Merchant Wholesalers	200	150	200
423520	Coal and Other Mineral and Ore Merchant Wholesalers	100	200	200
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.	200	125	200
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.	200	225	225
423690	Other Electronic Parts and Equipment Merchant Wholesalers	250	225	250
423710	Hardware Merchant Wholesalers	150	75	150
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers.	200	150	200
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers.	150	175	175
423740	Refrigeration Equipment and Supplies Merchant Wholesalers	100	100	125
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers.	250	200	250
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers	100	100	125
423830	Industrial Machinery and Equipment Merchant Wholesalers	100	75	100
423840	Industrial Supplies Merchant Wholesalers	100	100	125
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	100	100	125
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	150	175	175
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	100	50	100
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	150	175	175
423930	Recyclable Material Merchant Wholesalers	100	100	125
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	100	100	125
423990	Other Miscellaneous Durable Goods Merchant Wholesalers	100	50	100
424110	Printing and Writing Paper Merchant Wholesalers	200	225	225
424120	Stationery and Office Supplies Merchant Wholesalers	150	150	150
424130	Industrial and Personal Service Paper Merchant Wholesalers	150	125	150
424210	Drugs and Druggists' Sundries Merchant Wholesalers	250	250	250
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	100	50	100
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	150	125	150
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers.	100	75	100
424340	Footwear Merchant Wholesalers	200	200	200
424410	General Line Grocery Merchant Wholesalers	250	250	250
424420	Packaged Frozen Food Merchant Wholesalers	200	150	200
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers	200	200	200
424440	Poultry and Poultry Product Merchant Wholesalers	150	125	150
424450	Confectionery Merchant Wholesalers	200	225	225
424460	Fish and Seafood Merchant Wholesalers	100	50	100
424470	Meat and Meat Product Merchant Wholesalers	150	100	150
424480	Fresh Fruit and Vegetable Merchant Wholesalers	100	75	100
424490	Other Grocery and Related Products Merchant Wholesalers	250	200	250
424510	Grain and Field Bean Merchant Wholesalers	200	175	200
424520	Livestock Merchant Wholesalers	100	100	125
424590	Other Farm Product Raw Material Merchant Wholesalers	100	175	175
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	150	125	150
424690	Other Chemical and Allied Products Merchant Wholesalers	150	175	175
424710	Petroleum Bulk Stations and Terminals	200	225	225
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).	200	200	200
424810	Beer and Ale Merchant Wholesalers	200	125	200
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	250	225	250
424910	Farm Supplies Merchant Wholesalers	200	175	200
424920	Book, Periodical, and Newspaper Merchant Wholesalers	200	200	200
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	100	50	100
424940	Tobacco and Tobacco Product Merchant Wholesalers	250	250	250
424950	Paint, Varnish, and Supplies Merchant Wholesalers	150	150	150
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	100	50	100
425110	Business to Business Electronic Markets	100	100	125
425120	Wholesale Trade Agents and Brokers	100	125	125

TABLE 2—SUMMARY OF SIZE STANDARDS REVISIONS—Continued

[Employees]

NAICS code	NAICS U.S. industry title	Current size standard (employees)	Calculated size standard (employees)	Adopted size standard (employees)
441110	New Car Dealers	200	150	200
454310	Fuel Dealers	100	75	100

TABLE 3—SUMMARY OF SIZE STANDARDS REVISIONS

[Receipts]

NAICS code	NAICS U.S. industry title	Current size standard ($ million)	Calculated size standard ($ million)	Adopted size standard ($ million)
441120	Used Car Dealers	$27.0	$17.0	$27.0
441210	Recreational Vehicle Dealers	35.0	19.0	35.0
441222	Boat Dealers	35.0	11.5	35.0
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers	35.0	10.0	35.0
441310	Automotive Parts and Accessories Stores	16.5	25.0	25.0
441320	Tire Dealers	16.5	22.5	22.5
442110	Furniture Stores	22.0	19.0	22.0
442210	Floor Covering Stores	8.0	7.5	8.0
442291	Window Treatment Stores	8.0	10.0	10.0
442299	All Other Home Furnishings Stores	22.0	29.5	29.5
443141	Household Appliance Stores	12.0	19.5	19.5
443142	Electronics Stores	35.0	31.5	35.0
444110	Home Centers	41.5	41.5	41.5
444120	Paint and Wallpaper Stores	30.0	21.0	30.0
444130	Hardware Stores	8.0	14.5	14.5
444190	Other Building Material Dealers	22.0	14.0	22.0
444210	Outdoor Power Equipment Stores	8.0	8.5	8.5
444220	Nursery, Garden Center, and Farm Supply Stores	12.0	19.0	19.0
445110	Supermarkets and Other Grocery (except Convenience) Stores	35.0	32.0	35.0
445120	Convenience Stores	32.0	8.5	32.0
445210	Meat Markets	8.0	7.0	8.0
445220	Fish and Seafood Markets	8.0	7.0	8.0
445230	Fruit and Vegetable Markets	8.0	7.5	8.0
445291	Baked Goods Stores	8.0	14.0	14.0
445292	Confectionery and Nut Stores	8.0	17.0	17.0
445299	All Other Specialty Food Stores	8.0	9.0	9.0
445310	Beer, Wine, and Liquor Stores	8.0	9.0	9.0
446110	Pharmacies and Drug Stores	30.0	33.0	33.0
446120	Cosmetics, Beauty Supplies, and Perfume Stores	30.0	28.0	30.0
446130	Optical Goods Stores	22.0	26.0	26.0
446191	Food (Health) Supplement Stores	16.5	20.0	20.0
446199	All Other Health and Personal Care Stores	8.0	8.5	8.5
447110	Gasoline Stations with Convenience Stores	32.0	21.0	32.0
447190	Other Gasoline Stations	16.5	29.5	29.5
448110	Men's Clothing Stores	12.0	22.5	22.5
448120	Women's Clothing Stores	30.0	25.0	30.0
448130	Children's and Infants' Clothing Stores	35.0	32.5	35.0
448140	Family Clothing Stores	41.5	39.5	41.5
448150	Clothing Accessories Stores	16.5	29.5	29.5
448190	Other Clothing Stores	22.0	27.5	27.5
448210	Shoe Stores	30.0	29.0	30.0
448310	Jewelry Stores	16.5	18.0	18.0
448320	Luggage and Leather Goods Stores	30.0	33.5	33.5
451110	Sporting Goods Stores	16.5	23.5	23.5
451120	Hobby, Toy, and Game Stores	30.0	31.0	31.0
451130	Sewing, Needlework, and Piece Goods Stores	30.0	19.5	30.0
451140	Musical Instrument and Supplies Stores	12.0	20.0	20.0
451211	Book Stores	30.0	31.5	31.5
451212	News Dealers and Newsstands	8.0	20.0	20.0
452210	Department Stores	35.0	32.5	35.0
452311	Warehouse Clubs and Supercenters	32.0	41.5	41.5
452319	All Other General Merchandise Stores	35.0	35.0	35.0
453110	Florists	8.0	6.5	8.0
453210	Office Supplies and Stationery Stores	35.0	32.0	35.0
453220	Gift, Novelty, and Souvenir Stores	8.0	12.0	12.0
453310	Used Merchandise Stores	8.0	12.5	12.5
453910	Pet and Pet Supplies Stores	22.0	28.0	28.0
453920	Art Dealers	8.0	14.5	14.5

TABLE 3—SUMMARY OF SIZE STANDARDS REVISIONS—Continued

[Receipts]

NAICS code	NAICS U.S. industry title	Current size standard ($ million)	Calculated size standard ($ million)	Adopted size standard ($ million)
453930	Manufactured (Mobile) Home Dealers	16.5	16.5	16.5
453991	Tobacco Stores	8.0	7.5	8.0
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	8.0	10.0	10.0
454110	Electronic Shopping and Mail-Order Houses	41.5	33.0	41.5
454210	Vending Machine Operators	12.0	18.5	18.5
454390	Other Direct Selling Establishments	8.0	13.0	13.0

Table 4, Summary of Adopted Size Standards Revisions by Sector, summarizes the adopted changes to size standards by NAICS sector.

TABLE 4—SUMMARY OF ADOPTED SIZE STANDARDS REVISIONS BY SECTOR

Sector	Sector name	Number of size standards reviewed	Number of size standards increased	Number of Size standards decreased	Number of size standards maintained
42	Wholesale Trade	71	22	0	49
44–45	Retail Trade	66	35	0	31
Total		137	57	0	80

Evaluation of Dominance in Field of Operation

SBA determined that for the industries evaluated under this final rule, no individual firm at or below the adopted size standards would be large enough to dominate its field of operation. At the size standard levels adopted in this final rule, the small business share of total industry receipts among those industries would be, on average, 0.4%, varying from 0.005% to 4.8%. These market shares effectively preclude a firm at or below the adopted size standards from exerting control on any of the industries.

Alternatives Considered

In response to the unprecedented economic impacts of the ongoing COVID–19 pandemic on small businesses and Federal Government response, SBA is adopting increases to size standards where the data suggests increases are warranted, and retaining all current size standards where the data suggested lowering of size standards is appropriate. SBA is also retaining all current size standards where the data suggested no changes to the current size standards.

Nonetheless, SBA considered two other alternatives. Alternative Option One was to adopt changes to size standards exactly as suggested by the analytical results. In other words, Alternative Option One would entail increasing size standards for 57 industries, decreasing them for 66 industries, and retaining them at their current levels for 14 industries. Alternative Option Two was to retain all current size standards, including those for which the analytical results support increases.

SBA did not adopt Alternative Option One because it would cause a substantial number of currently small businesses to lose their small business status and hence to lose their access to Federal small business assistance, especially SBA's financial assistance. Lowering size standards in the current environment would also run counter to various measures the Federal Government has implemented to help small businesses and the overall economy recover from the ongoing COVID–19 pandemic. Considering the impacts of the Great Recession and Federal Government actions that followed to support small businesses and the overall economy, SBA also adopted a policy of not decreasing size standards during the first five-year review of size standards, even though the data supported decreases.

Under Alternative Option Two, given the current COVID–19 pandemic, SBA considered retaining the current level of all size standards even though the analytical results suggested changing them. Under this option, as the current situation develops, SBA will be able to assess new data available on economic indicators and SBA loans before adopting changes to size standards. However, SBA is not adopting Alternative Option Two because the results discussed in the Regulatory Impact Analysis section, below, show that retaining all size standards at their current levels would cause otherwise qualified small businesses to forgo various small business benefits becoming available to them under the option of increasing 57 and retaining 80 size standards. Such benefits would include access to capital through SBA's business loan, EIDL loan, and SBIC programs, and exemptions from paperwork and other compliance requirements.

Compliance With Executive Order 12866, the Congressional Review Act (5 U.S.C. 801–808), the Regulatory Flexibility Act (5 U.S.C. 601–612), Executive Orders 13563, 12988, and 13132, and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this final rule is a significant regulatory action for purposes of Executive Order 12866. Accordingly, in the next section SBA provides a Regulatory Impact Analysis of this final rule, including: (1) A statement of the need for the regulatory action, (2) An examination of alternative approaches, and (3) An evaluation of the benefits and costs—both quantitative and qualitative—of the regulatory action and the alternatives considered.

Regulatory Impact Analysis

1. What is the need for this regulatory action?

SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development and counseling, and disaster assistance programs. To determine the actual intended beneficiaries of these programs, SBA establishes numerical size standards by industry to identify businesses that are deemed small.

Under the Small Business Act (Act) (15 U.S.C. 632(a)), SBA's Administrator is responsible for establishing small business size definitions (or ''size standards'') and ensuring that such definitions vary from industry to industry to reflect differences among various industries. The Jobs Act requires SBA to review every five years all size standards and make necessary adjustments to reflect current industry and Federal market conditions. This final rule is part of the second five-year review of size standards in accordance with the Jobs Act. The first five-year review of size standards was completed in early 2016. Such periodic reviews of size standards provide SBA with an opportunity to incorporate ongoing changes to industry structure and Federal market environment into size standards and to evaluate the impacts of prior revisions to size standards on small businesses. This also provides SBA with an opportunity to seek and incorporate public input to the size standards review and analysis. SBA believes that the size standards revisions adopted for industries being reviewed in this final rule will make size standards more reflective of the current economic characteristics of businesses in those industries and the latest trends in the Federal marketplace.

The revisions to the existing size standards for 57 industries in NAICS Sectors 42 and 44–45 are consistent with SBA's statutory mandate to help small businesses grow and create jobs and to review and adjust size standards every five years. This regulatory action promotes the Administration's goals and objectives and ensures that SBA complies with statutory requirements. One of SBA's goals in support of promoting the Administration's objectives is to help small businesses succeed through fair and equitable access to capital and credit, Federal Government contracts and purchases, and management and technical assistance. Reviewing and modifying size standards, when appropriate, ensures that intended beneficiaries can access Federal small business programs that are designed to assist them to become competitive and create jobs.

2. What are the potential benefits and costs of this regulatory action?

OMB directs agencies to establish an appropriate baseline to evaluate any benefits, costs, or transfer impacts of regulatory actions and alternative approaches considered. The baseline should represent the agency's best assessment of what the world would look like absent the regulatory action. For a new regulatory action promulgating modifications to an existing regulation (such as modifying the existing size standards), a baseline assuming no change to the regulation (*i.e.,* making no changes to current size standards) generally provides an appropriate benchmark for evaluating benefits, costs, or transfer impacts of regulatory changes and their alternatives.

Changes to Size Standards

Based on the results from the analyses of the latest industry data, evaluation of the public comments on the proposed rule, as well as consideration of the impact of size standards changes on small businesses and significant adverse impacts of the COVID–19 pandemic on small firms and the overall economy, of the total of 137 industries in Sectors 42 and 44–45 evaluated in the proposed rule, SBA is adopting increases to size standards for 57 industries and maintaining current size standards for the remaining 80 industries.

The Baseline

For purposes of this regulatory action, the baseline represents maintaining the ''status quo,'' *i.e.,* making no changes to the current size standards. Using the number of small businesses and levels of small business benefits (such as SBA's business loans, disaster assistance, etc.) they receive under the current size standards as a baseline, one can examine the potential benefits, costs, and transfer impacts of changes to size standards on small businesses and on the overall economy.

Based on the 2012 Economic Census (the latest available when this proposed rule was prepared), of a total of about 975,569 businesses in industries in Sectors 42 and 44–45, 97.4% are considered small under the current size standards. That percentage varies from 96.6% in Sector 42 to 97.9% in Sector 44–45.

Based on SBA's internal data on its loan programs for fiscal years 2018–2020, small businesses in those industries received, on an annual basis, a total of 9,871 7(a) and CDC/504 loans in that period, totaling about $5.4 billion, of which 82.6% was issued through the 7(a) program and 17.4% was issued through the CDC/504 program. During fiscal years 2018–2020, small businesses in those industries also received 561 loans through SBA's Economic Injury Disaster Loan (EIDL) program, totaling about $28.3 million on an annual basis.[2] Table 5, Baseline for All Industries, provides these baseline results by sector.

The results of regulatory impact analyses SBA provided in the May 2021 proposed rule were based on SBA loan data for fiscal years (FYs) 2016–2018. In this final rule, SBA is updating the impact analysis results by using SBA loan data for fiscal years 2018–2020. Accordingly, there can be some differences between the proposed rule and this final rule with respect to impacts of size standards changes on SBA loans.

TABLE 5—BASELINE FOR ALL INDUSTRIES

	Sector 42	Sector 44–45	Total
Baseline all industries (current size standards)	71	66	137
Total firms (2012 Economic Census)	319,716	655,853	975,569
Total small firms under current size standards (2012 Economic Census)	308,710	641,995	950,705

[2] The analysis of the disaster loan data excludes physical disaster loans that are available to anyone regardless of size, disaster loans issued to nonprofit entities, and EIDLs issued under the COVID–19 relief program. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances. Thus, the disaster loan analysis presented here pertains to the regular EIDL loans only.

SBA estimates impacts of size standards changes on EIDL loans by calculating the ratio of businesses getting EIDL loans to total small businesses (based on the Economic Census data) and multiplying it by the number of impacted small firms. Due to data limitations, for FY 2019–20, some loans with both physical and EIDL loan components could not be broken into the physical and EIDL loan amounts. In such cases, SBA applied the ratio of EIDL amount to total (physical loan + EIDL) amount using FY 2016–18 data to the FY 2019–20 data to obtain the amount attributable to the EIDL loans.

TABLE 5—BASELINE FOR ALL INDUSTRIES—Continued

	Sector 42	Sector 44–45	Total
Small firms as % of total firms	96.6%	97.9%	97.5%
No. of 7(a) and CDC/504 loans (FY 2018–2020)	2,665	7,206	9,871
Amount of 7(a) and CDC/504 loans ($ million) (FY 2018–2020)	$1,706	$3,732	$5,438
No. of EIDL loans (FY 2018–2020)*	123	438	561
Amount of EIDL loans ($million) (FY 2018–2020)*	$7.4	$20.9	$28.3

*Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

Increases to Size Standards

As stated above, of the 73-employee-based and 64 receipts-based size standards reviewed in NAICS Sectors 42 and 44–45, based on the results from analyses of latest industry data, impacts of size standards changes on small businesses, considerations of the impacts of the COVID–19 pandemic, and public comments to the proposed rule, SBA is adopting increases to size standards for 57 industries and maintaining size standards for the remaining 80 industries. Below are descriptions of the benefits, costs, and transfer impacts of the increases to size standards adopted in this final rule.

Benefits of Increasing Size Standards

The most significant benefit to businesses from increases to size standards is gaining eligibility for Federal small business assistance programs or retaining that eligibility for such programs for a longer period. These include SBA's business loan programs, such as the 7(a) and CDC/504 programs, and the EIDL loan program. SBA's regulations provide that NAICS codes for the Wholesale and Retail Trade industries shall not be used to classify Federal Government acquisition for supplies (13 CFR 121.402(b)). As such, for purposes of Federal contracts set aside for small businesses, the size standard for all industries in the Wholesale Trade and Retail Trade sectors is 500 employees under the SBA's nonmanufacturer rule (see 13 CFR 121.406(b)). SBA is not evaluating the 500-employee the nonmanufacturer size standard in this final rule. Thus, the increases to size standards in this final rule will not impact the Federal market for contracts set aside for small businesses.

Besides the access to SBA's financial assistance programs discussed above, because of increases to size standards, small businesses also benefit through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through the Federal Government programs. However, SBA has no data to estimate the number of small businesses receiving such benefits.

Based on the 2012 Economic Census (the latest available when the proposed rule was prepared), SBA estimates that in 57 industries in NAICS Sectors 42 and 44–45 for which this final rule is increasing size standards, about 2,000 firms not small under the current size standards will become small under the adopted size standards increases and therefore become eligible for SBA's financial and other Federal non-procurement programs. That represents about 0.5% of all firms classified as small under the current size standards in industries for which SBA is adopting increases to size standards. Table 6, Impacts of Increasing Size Standards, provides impacts of increasing 57 and maintaining 80 size standards by NAICS sector.

TABLE 6—IMPACTS OF INCREASING SIZE STANDARDS

	Sector 42	Sector 44–45	Total
No. of industries with increases to size standards	22	35	57
Total current small businesses in industries with increases to size standards (2012 Economic Census)	93,426	286,758	380,184
Additional firms qualifying as small under standards (2012 Economic Census)	308	1,694	2,002
% of additional firms qualifying as small relative to current small businesses in industries with increases to size standards	0.3%	0.6%	0.5%
Total no. of 7(a) and 504 loans to small business in industries with increases to size standards (FY 2018–2020)	536	3,692	4,228
Total 7(a) and 504 loan amounts to small businesses in industries with increases to size standards ($ million) (FY 2018–2020)	$341	$1,641	$1,982
Estimated no. of 7(a) and 504 loans to newly-qualified small firms	2	23	25
Estimated 7(a) and 504 loan amounts to newly-qualified small firms ($ million)	$1.3	$10.3	$11.6
% increase to 7(a) and 504 loan amount relative to the total amount of 7(a) and 504 loans in industries with increases to size standards	0.4%	0.6%	0.6%
Total no. of EIDL loans to small businesses in industries with increases to size standards (FY 2018–2020)*	26	248	274
Total amount of EIDL loans to small businesses in industries with increases to size standards ($ million) (FY 2018–2020)*	$1.5	$11.7	$13.3
Estimated no. of EIDL loans to newly-qualified small firms*	1	2	3
Estimated EIDL loan amount to newly-qualified small firms ($ million)*	$0.06	$0.09	$0.2
% increase to EIDL loan amount relative to the total amount of disaster loans in industries with increases to size standards*	3.8%	0.8%	1.5%

*Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

Growing small businesses that are close to exceeding the current size standards will be able to retain their small business status for a longer period under the higher size standards, thereby enabling them to continue to benefit from the Federal small business assistance outside of the contracting programs.

Based on its internal loan data for fiscal years 2018–2020, SBA estimates that up to about 25 SBA 7(a) and CDC/504 loans totaling about $11.6 million could be made to these newly-qualified small businesses in those industries under the adopted increases to size standards. That represents a 0.4% increase to the 7(a) and CDC/504 loan amount compared to the baseline (see Table 6).

Newly-qualified small businesses will also benefit from the SBA's EIDL program. Since the benefits provided through this program are contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact. However, based on the historical trends of the disaster loan program data, SBA estimates that, on an annual basis, the newly-defined small businesses under the increases to 57 size standards could receive three disaster loans (except physical disaster loans, which are unaffected by the changes in this rule), totaling about $0.2 million (see Table 6).

Additionally, the newly-defined small businesses would also benefit through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through the Federal Government, but SBA has no data to quantify this impact.

Costs of Increasing Size Standards

To the extent that newly-qualified small businesses could seek assistance from SBA's financial assistance programs, the adopted increases to size standards may entail some additional administrative costs to the Government for the verification of their small business status. However, small business lenders have an option of using the tangible net worth and net income-based alternative size standard instead of using the industry-based size standards to establish eligibility for SBA's loans which many small businesses already qualify under. Moreover, this rule does not establish new size standards for the very first time; rather it intends to modify the existing size standards in accordance with a statutory requirement and the latest data and other relevant factors. For these reasons, SBA believes that these added administrative costs will be minor because necessary mechanisms are already in place to handle the additional requirements.

Transfer Impacts of Increasing Size Standards

The increases to size standards adopted in this final rule may result in some redistribution of SBA loans between the newly-qualified small businesses and small businesses under the current size standards. However, SBA estimates this impact to be de minimis because the vast majority of the SBA loans go to small businesses that are much smaller than the current or adopted size standards. Moreover, this rule would not have any impact on Federal contract dollars awarded to small businesses since SBA's regulations specify that NAICS codes for the Wholesale and Retail Trade industries shall not be used to classify Government procurement for supplies.

3. What alternatives have been considered?

Under OMB Circular A–4, SBA is required to consider regulatory alternatives to the adopted changes in this final rule. In this section, SBA describes and analyzes two such alternatives. Alternative Option One to the final rule, a more stringent alternative to the adopted change, would propose adopting size standards based solely on the analytical results. In other words, the size standards of 57 industries for which the analytical results suggest raising them would be raised. However, the size standards of 66 industries for which the analytical results suggest lowering them, as shown in Table 4 of the May 2021 proposed rule, would be lowered. For the 14 remaining industries for which analysis suggested no changes, size standards would be maintained at their current levels. Alternative Option Two would propose retaining size standards for all industries, given the uncertainty generated by the ongoing COVID–19 pandemic. Below, SBA discusses benefits, costs, and the net impacts of each option.

Alternative Option One: Adopting All Calculated Size Standards

As discussed previously in the Alternatives Considered section of this final rule, Alternative Option One would cause a substantial number of currently small businesses to lose their small business status and hence to lose their access to Federal small business assistance, especially SBA's financial assistance. These consequences could be mitigated. For example, in response to the 2008 Financial Crisis and the economic conditions that followed, SBA adopted a general policy in the first five-year comprehensive size standards review to not lower any size standard (except to exclude dominant firms) even when the analytical results suggested the size standard should be lowered. Currently, because of the economic challenges presented by the COVID–19 pandemic and the measures taken to protect public health, SBA has decided to adopt the same general policy of not lowering size standards in the ongoing second five-year comprehensive size standards review as well.

The primary benefits of adopting Alternative Option One would include: (1) SBA's management, technical, and financial assistance would be targeted to the most appropriate beneficiaries of such programs according to the analytical results; (2) Adopting the size standards based on the analytical results would also promote consistency and predictability in SBA's implementation of its authority to set or adjust size standards; and (3) Firms who would remain small would face less competition from larger small firms for the remaining Federal opportunities. Specifically, SBA sought public comment on the impact of adopting the size standards based on the analytical results.

As explained in the ''Size Standards Methodology'' white paper, in addition to adopting all results of the analysis of the primary factors, SBA evaluates other relevant factors as needed, such as the impact of the reductions or increases of size standards on the distribution of SBA resources intended for small businesses and may adopt different results with the intention of mitigating potential negative impacts.

We have already discussed the benefits, costs, and transfer impacts of increasing 57 and retaining 80 size standards. Below we discuss the benefits, costs, and transfer impacts of decreasing 66, increasing 57, and maintaining 14 size standards based on the analytical results.

Benefits of Decreasing Size Standards Under Alternative Option One

The most significant benefit to businesses from decreases to size standards when SBA's analysis suggests such decreases is to ensure that size standards are more reflective of latest industry structure and current market trends and that Federal small business assistance is more effectively targeted to its intended beneficiaries. These include SBA's business loan and EIDL programs.

Decreasing size standards may reduce the administrative costs to the Federal Government, because the risk of providing SBA's loans to firms that do

not need them the most may diminish when the size standards reflect better the structure of the market. This may provide a better chance for smaller small firms to grow and benefit from the opportunities and resources available through SBA.

Costs of Decreasing Size Standards Under Alternative Option One

Table 7, Impacts of Decreasing Size Standards Under Alternative Option One, below, shows the various impacts of lowering size standards in 66 industries based solely on the analytical results. Based on the 2012 Economic Census, more than 5,500 (1.0%) firms would lose their small business status under Alternative Option One.

As shown in Table 7, decreasing size standards would have a relatively minor impact on small businesses applying for SBA's 7(a) and CDC/504 loans because a vast majority of such loans are issued to businesses that are far below the reduced size standards. For example, based on the loan data for fiscal years 2018–2020, SBA estimates that 67 of SBA's 7(a) and CDC/504 loans, totaling $32.5 million, could not be made to those small businesses that would lose eligibility under the reduced size standards. That represents a 1.1% decrease of the loan amounts compared to the baseline. However, the actual impact could be much less as businesses losing small business eligibility under the decreases to industry-based size standards could still qualify for SBA's 7(a) and CDC/504 loans under the tangible net worth and net income-based alternative size standard.

TABLE 7—IMPACTS OF DECREASING SIZE STANDARDS UNDER ALTERNATIVE OPTION ONE

	Sector 42	Sector 44–45	Total
No. of industries for which SBA considered decreasing size standards (2012 Economic Census)	38	28	66
Total current small businesses in industries for which SBA considered decreasing size standards (2012 Economic Census)	184,837	343,639	528,476
Estimated no. of firms losing small status for which SBA considered decreasing size standards (2012 Economic Census)	2,735	2,774	5,509
% of Firms losing small status relative to current small businesses in industries for which SBA considered decreasing size standards	1.5%	0.8%	1.0%
Total no. of 7(a) and 504 loans to small businesses in industries for which SBA considered decreasing size standards (FY 2018–2020)	1,829	3,464	5,293
Total amount of 7(a) and 504 loans to small businesses in industries for which SBA considered decreasing size standards ($ million) (FY 2018–2020)	$1,176	$1,856	$3,032
Estimated no. of 7(a) and 504 loans not available to firms that would have lost small business status	28	23	51
Estimated 7(a) and 504 loan amounts not available to firms that would have small status ($ million)	$18.0	$14.5	$32.5
% decrease to 7(a)and 504 loan amounts relative to the total amount of 7(a) and 504 loans in industries for which SBA considered decreasing size standards	1.5%	0.8%	1.1%
Total no. of EIDL loans to small businesses in industries for which SBA considered decreasing size standards (FY 2018–2020) *	79	187	266
Total amount of EIDL loans to small businesses in industries for which SBA considered decreasing size standards ($ million) (FY 2018–2020) *	$4.8	$9.0	$13.8
Estimated no. of EIDL loans not available to firms that would have lost small business status *	2	3	5
Estimated EIDL loan amount not available to firms that would have lost small business status ($ million) *	$0.1	$0.1	$0.2
% decrease to EIDL loan amount relative to the baseline *	2.5%	1.5%	1.8%

* Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

Businesses losing small business status would also be impacted in terms of access to loans through the SBA's EIDL program. However, SBA expects such impact to be minimal as only a small number of businesses in those industries received such loans during fiscal years 2018–2020. Additionally, most of those businesses were below the reduced size standards. Since this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a precise estimate of this impact. However, based on the disaster loan data for fiscal years 2018–2020, SBA estimates that, under Alternative Option One, on an annual basis, five EIDL loans, totaling about $0.2 million, would be unavailable to firms that no longer qualify as small under the decreases to size standards. Table 7 shows these results by sector.

Small businesses becoming other than small if size standards were decreased might lose the benefits of reduced fees, and paperwork and compliance requirements that are available to small businesses through the Federal Government programs, but SBA has no data to quantify this impact. However, if agencies determine that SBA's size standards do not adequately serve the needs of their programs, they can establish a different size standard, with an approval from SBA, if they are required to use SBA's size standards for such programs.

SBA may adopt mitigating measures to reduce the negative impact under the Alternative Option One. SBA could adopt one or more of the following three actions: (1) Accept decreases in size standards as suggested by the analytical results; (2) Decrease size standards by a smaller amount than the calculated values; and (3) Retain the size standards at their current levels. For example, in response to the 2008 Financial Crisis, SBA adopted a general policy in the first five-year comprehensive size standards review to not lower any size standard (except to exclude dominant firms) even when the analytical results suggested the size standard should be lowered. Currently, because of the economic challenges presented by the COVID–19 pandemic and the measures taken to protect public health, in this final rule, SBA has decided to adopt the same general policy of not lowering size standards in the ongoing second five-

year comprehensive size standards review as well.

Nevertheless, the impact on the overall loan activity is likely to be de minimis because SBA estimates that the majority of firms currently eligible for its loan programs would continue to remain eligible under the reduced size standards. SBA's regulations specify that NAICS codes for the Wholesale Trade and Retail Trade industries shall not be used to classify Federal Government acquisition for supplies (13 CFR 121.402(b)). As such, for purposes of Federal contracting, the size standard for all industries in the Wholesale Trade and Retail Trade sectors is 500 employees under SBA's nonmanufacturer rule (13 CFR 121.406(b)). Thus, SBA estimates that any decreases to size standards as part of this rulemaking will not impact the market for Federal contracts.

Transfer Impacts of Decreasing Size Standards Under Alternative Option One

If the size standards were decreased under Alternative Option One, it may result in a redistribution of loans between the newly-qualified small businesses and small businesses under the current size standards. However, SBA estimates this impact to be de minimis as participants in SBA's financial assistance programs are on average much smaller than their industry size standards and SBA's loans are not disbursed based on a competitive process. Moreover, this rule would not have an impact on Federal contract dollars awarded to small businesses since SBA's regulations specify that NAICS codes for the Wholesale and Retail Trade industries shall not be used to classify Government acquisition for supplies. While SBA cannot estimate with certainty the actual outcome of the gains and losses among different groups of businesses from this redistribution, it can identify several probable impacts. With a smaller pool of small businesses under the decreases to size standards, some SBA's resources to be otherwise awarded to small businesses may be diverted to other uses or programs. However, since the total benefit provided through this program is contingent on the availability of funds and the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact.

Net Impact of Alternative Option One

To estimate the net impacts of adopting Alternative Option One, SBA followed the same methodology used to evaluate the impacts of the increasing size standards (see Table 6). However, under Alternative Option One, SBA used the calculated size standards instead of the adopted increases to determine the impacts of changes to current thresholds. The impacts of the increases of size standards were already shown in Table 6. Similarly, the impacts of the decreases of size standards were also already presented in Table 7. Table 8, Net Impacts of Size Standards Changes under Alternative Option One, presents the net impacts of adopting the calculated size standards under Alternative Option One.

TABLE 8—NET IMPACTS OF SIZE STANDARDS CHANGES UNDER ALTERNATIVE OPTION ONE

	Sector 42	Sector 44–45	Total
No. of industries with changes to size standards	60	63	123
Total no. of small business under the current size standards (2012 Economic Census)	278,263	630,397	908,660
Additional firms qualifying as small under size standards (2012 Economic Census)	−2,427	−1,080	−3,507
% of additional firms qualifying as small relative to total current small businesses	−0.9%	−0.2%	−0.4%
Total no. of 7(a) and 504 loans to small businesses (FY 2018–2020)	2,665	7,206	9,871
Total amount of 7(a) and 504 loans to small businesses (FY 2018–2020)	$1,706	$3,732	$5,438
Estimated no. of additional 7(a) and 504 loans to newly- qualified small firms	−26	0	−26
Estimated additional 7(a) and 504 loan amount to newly- qualified small firms ($ million)	−$16.7	−$4.2	−$20.9
% increase to 7(a)and 504 loan amount relative to the total amount of 7(a) and 504 loans to small businesses	−1.0%	−0.1%	−0.4%
Total no. of EIDL loans to small businesses (FY 2018–2020)*	123	438	561
Total amount of EIDL loans to small businesses (FY 2018–2020)*	$7.4	$20.9	$28.3
Estimated no. of additional EIDL loans to newly-qualified small firms*	−1	−1	−2
Estimated additional EIDL loan amount to newly-qualified small firms ($ million)*	−$0.04	−$0.01	−$0.01
% increase to EIDL loan amount relative to the total amount of EIDL loans to small businesses*	−0.5%	0.0%	0.01%

* Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

As shown in Table 8, based on the 2012 Economic Census, SBA estimates that in 123 industries in NAICS Sectors 42 and 44–45 for which the analytical results suggested to change size standards, about 3,500 firms would lose their small business size status under Alternative Option One. That represents about 0.4% of all firms classified as small under the current size standards in those industries.

Based on SBA's loan data for fiscal years 2018–2020, the total number of 7(a) and CDC/504 loans will decrease by 26 loans, while the total loan amount will decrease by about $21 million. This is a 0.4% decrease of the 7(a) and CDC/504 loan amounts relative to the baseline.

Firms' participation under SBA's EIDL loan program will be affected as well. Since the benefit provided through this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a precise estimate of this impact. However, based on the EIDL loan program data for fiscal years 2018–2020, SBA estimates that the number of EIDL loans will decrease by two loans, while the total loan amount will decrease by about $0.01 million. This is a 0.01% decrease of the EIDL loan amounts relative to the baseline. Table 8 provides these results by NAICS sector.

Alternative Option Two: Retaining All Current Size Standards

Under this option, given the current COVID–19 pandemic, as discussed elsewhere, SBA considered retaining the current levels of all size standards even though the analytical results suggested changing them. Under this option, as the current situation develops, SBA will be able to assess new data available on economic indicators and SBA loans as well. When compared to the baseline, there is a net impact of zero (*i.e.,* zero

benefit and zero cost) for retaining all size standards. However, this option would cause otherwise qualified small businesses to forgo various small business benefits (*e.g.,* access to capital and other benefits) that become available to them under the option of increasing 57 and retaining 80 size standards adopted in this final rule. Moreover, retaining all size standards under this option would also be contrary to the SBA's statutory mandate to review and adjust, every five years, all size standards to reflect current industry and market conditions. Retaining all size standards without required periodic adjustments would increasingly exclude otherwise eligible small firms from small business benefits.

Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act or CRA, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. SBA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the CRA cannot take effect until 60 days after it is published in the **Federal Register**. OMB's Office of Information and Regulatory Affairs has determined that this rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Final Regulatory Flexibility Analysis

According to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, when an agency issues a rulemaking, it must prepare a regulatory flexibility analysis to address the impact of the rule on small entities. This final rule may have a significant impact on a substantial number of small businesses in the industries covered by this final rule. As described above, this final rule may affect small businesses seeking loans under SBA's 7(a), CDC/504, and EIDL loan programs, and assistance under other Federal small business programs.

Immediately below, SBA sets forth a final regulatory flexibility analysis (FRFA) of this final rule addressing the following questions: (1) What is the need for, and objectives of the rule?; (2) What are significant issues raised by the public comments in response to the initial regulatory flexibility analysis, assessment of the agency of such issues, and any changes made in the proposed rule as a result of such comments?; (3) What's the agency's response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule and description of any change made to the proposed rule in the final rule as a result of the comments?; (4) What is SBA's description and estimate of the number of small businesses to which the rule will apply?; (5) What are the projected reporting, record keeping, and other compliance requirements of the rule?; (6) What are the relevant Federal rules that may duplicate, overlap, or conflict with the rule?; (7) What alternatives will allow SBA to accomplish its regulatory objectives while minimizing the economic impact on small businesses?

1. What is the need for, and objectives, of the rule?

Changes in industry structure, technological changes, productivity growth, mergers and acquisitions, and updated industry definitions have changed the structure of many the industries covered by this final rule. Such changes can be enough to support revisions to current size standards for some industries. Based on the analysis of the latest data available, SBA believes that the size standards adopted in this final rule more appropriately reflect the size of businesses that need Federal assistance. The 2010 Jobs Act also requires SBA to review every five years all size standards and make necessary adjustments to reflect market conditions.

2. What are the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, assessment of the agency of such issues, and any changes made in the proposed rule as a result of such comments?

SBA did not receive any public comments to the initial regulatory flexibility analysis it provided in the proposed rule.

3. What is the agency's response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule and description of any change made to the proposed rule in the final rule as a result of the comments?

SBA did not receive any comments from the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule.

4. What is SBA's description and estimate of the number of small businesses to which the rule will apply, or an explanation of why no such estimate is available?

Based on data from the 2012 Economic Census, SBA estimates that there are about 380,184 small firms covered by this rulemaking under industries with adopted changes to size standards. Under this final rule, SBA estimates that an additional 2,000 businesses will be defined as small.

5. What are the projected reporting, record keeping and other compliance requirements of the rule?

The size standard changes in this final rule impose no additional reporting or record keeping requirements on small businesses. However, qualifying for Federal procurement and a number of other programs requires that businesses register in the System for Award Management (SAM) and self-certify that they are small at least once annually (48 CFR 52.204–13 (the Federal Acquisition Regulation (FAR)). For existing contracts, small business contractors are required to update their SAM registration as necessary to ensure that they reflect the contractor's current status (FAR 52.219–28). Businesses are also required to verify that their SAM registration is current, accurate, and complete with the submission of an offer for every new contract (FAR 52.204–7 and 52.204–8). Therefore, businesses opting to participate in those programs must comply with SAM requirements. Changes in small business size standards do not result in additional costs associated with SAM initial registration or annual recertification. Changing size standards alters the access to SBA's programs that assist small businesses but does not impose a regulatory burden because they neither regulate nor control business behavior.

6. What are the relevant Federal rules that may duplicate, overlap, or conflict with the rule?

Under section 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rule that would duplicate or conflict with establishing size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their

programs, with the approval of SBA's Administrator (13 CFR 121.903). The Regulatory Flexibility Act authorizes an agency to establish an alternative small business definition, after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

7. What alternatives will allow SBA to accomplish its regulatory objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards.

However, SBA considered two alternatives to increasing 57 and maintaining 80 size standards at their current levels. The first alternative SBA considered was adopting size standards revisions based solely on the analytical results. In other words, the size standards of 57 industries for which the analytical results suggest raising size standards would be raised. However, the size standards of 66 industries for which the analytical results suggest lowering them would be lowered. This would cause a significant number of small businesses to lose their small business status in both Sectors 42 and 44–45 (see Table 7). Under the second alternative, in view of the COVID–19 pandemic, SBA considered retaining all size standards at the current levels, even though the analytical results suggested increasing 57 and decreasing 66 size standards. SBA believes retaining all size standards at their current levels would be more onerous for small businesses than the option of increasing 57 and retaining 80 size standards. Postponing the adoption of the higher calculated size standards in 57 industries would be detrimental for otherwise small businesses in terms of access to various small business benefits, including access to SBA's financial assistance programs and exemptions from paperwork and other compliance requirements.

Executive Order 13563

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. A description of the need for this regulatory action and benefits and costs associated with this action, including possible distributional impacts that relate to Executive Order 13563, is included above in the Regulatory Impact Analysis under Executive Order 12866. Additionally, Executive Order 13563, section 6, calls for retrospective analyses of existing rules.

The review of size standards in the industries covered by this final rule is consistent with section 6 of Executive Order 13563 and the 2010 Jobs Act, which requires SBA to review all size standards and make necessary adjustments to reflect market conditions. Specifically, the 2010 Jobs Act requires SBA to review at least one-third of all size standards during every 18-month period from the date of its enactment (September 27, 2010) and to review all size standards not less frequently than once every five years, thereafter. SBA had already launched a comprehensive review of size standards in 2007. In accordance with the Jobs Act, in early 2016, SBA completed the first five-year review of all small business size standards, except those for agricultural enterprises previously set by Congress, and made appropriate adjustments to size standards for a number of industries to reflect current Federal and industry market conditions. Prior to 2007, the last time SBA conducted a comprehensive review of all size standards was during the late 1970s and early 1980s.

SBA issued a white paper entitled ''Size Standards Methodology'' and published a notification in the April 11, 2019, edition of the **Federal Register** (84 FR 14587) to advise the public that the document is available for public review. The ''Size Standards Methodology'' white paper explains how SBA establishes, reviews, and modifies its receipts-based and employee-based small business size standards. The methodology also provides descriptions of methodologies SBA employs to adjust monetary-based size standards for inflation and to update size standards to adopt the OMB's quinquennial NAICS revisions. SBA considered all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and Federal agencies in developing size standards for those industries covered by this final rule. SBA received a total of nine comments to the proposed rule. In the Discussion of Comments section of this final rule, SBA summarizes comments received on the proposed rule and provides its responses.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this final rule 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. Therefore, SBA has determined that this final rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this final rule will not impose any new reporting or record keeping requirements.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA amends 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 is revised to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 636(a)(36), 662, and 694a(9); 15 U.S.C. 9012.

■ 2. In § 121.201, amend the table ''Small Business Size Standards by NAICS Industry'' by revising entries ''423140,'' ''423330,'' ''423460,'' ''423520,'' ''423620,'' ''423730,'' ''423740,'' ''423820,'' ''423840,'' ''423850,'' ''423860,'' ''423920,'' ''423930,'' ''423940,'' ''424110,'' ''424450,'' ''424520,'' ''424590,'' ''424690,'' ''424710,'' ''425110,'' ''425120,'' ''441310,'' ''441320,'' ''442291,'' ''442299,'' ''443141,'' ''444130,'' ''444210,'' ''444220,'' ''445291,'' ''445292,'' ''445299,'' ''445310,'' ''446110,'' ''446130,'' ''446191,'' ''446199,'' ''447190,'' ''448110,'' ''448150,'' ''448190,'' ''448310,'' ''448320,'' ''451110,'' ''451120,'' ''451140,'' ''451211,'' ''451212,'' ''452311,'' ''453220,'' ''453310,'' ''453910,'' ''453920,'' ''453998,'' ''454210,'' and ''454390'' to read as follows:

§ 121.201 What size standards has SBA identified by North American Industry Classification System codes?

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
	Sector 42—Wholesale Trade		
*	*	*	*
	Subsector 423—Merchant Wholesalers, Durable Goods		
*	*	*	*
423140	Motor Vehicle Parts (Used) Merchant Wholesalers		125
*	*	*	*
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers		225
*	*	*	*
423460	Ophthalmic Goods Merchant Wholesalers		175
*	*	*	*
423520	Coal and Other Mineral and Ore Merchant Wholesalers		200
*	*	*	*
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.		225
*	*	*	*
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers		175
423740	Refrigeration Equipment and Supplies Merchant Wholesalers		125
*	*	*	*
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers		125
*	*	*	*
423840	Industrial Supplies Merchant Wholesalers		125
423850	Service Establishment Equipment and Supplies Merchant Wholesalers		125
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers		175
*	*	*	*
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers		175
423930	Recyclable Material Merchant Wholesalers		125
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers		125
*	*	*	*
	Subsector 424—Merchant Wholesalers, Nondurable Goods		
424110	Printing and Writing Paper Merchant Wholesalers		225
*	*	*	*
424450	Confectionery Merchant Wholesalers		225
*	*	*	*
424520	Livestock Merchant Wholesalers		125
424590	Other Farm Product Raw Material Merchant Wholesalers		175
*	*	*	*
424690	Other Chemical and Allied Products Merchant Wholesalers		175
424710	Petroleum Bulk Stations and Terminals		225

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
	Subsector 425—Wholesale Electronic Markets and Agents and Brokers		
425110	Business to Business Electronic Markets		125
425120	Wholesale Trade Agents and Brokers		125
	Sector 44–45—Retail Trade		
*	*	*	*
	Subsector 441—Motor Vehicle and Parts Dealers		
*	*	*	*
441310	Automotive Parts and Accessories Stores	$25.0	
441320	Tire Dealers	22.5	
	Subsector 442—Furniture and Home Furnishings Stores		
*	*	*	*
442291	Window Treatment Stores	10.0	
442299	All Other Home Furnishings Stores	29.5	
	Subsector 443—Electronics and Appliance Stores		
443141	Household Appliance Stores	19.5	
*	*	*	*
	Subsector 444—Building Material and Garden Equipment and Supplies Dealers		
*	*	*	*
444130	Hardware Stores	14.5	
*	*	*	*
444210	Outdoor Power Equipment Stores	8.5	
444220	Nursery, Garden Center, and Farm Supply Stores	19.0	
	Subsector 445—Food and Beverage Stores		
*	*	*	*
445291	Baked Goods Stores	14.0	
445292	Confectionery and Nut Stores	17.0	
445299	All Other Specialty Food Stores	9.0	
445310	Beer, Wine, and Liquor Stores	9.0	
	Subsector 446—Health and Personal Care Stores		
446110	Pharmacies and Drug Stores	33.0	
*	*	*	*
446130	Optical Goods Stores	26.0	
446191	Food (Health) Supplement Stores	20.0	
446199	All Other Health and Personal Care Stores	8.5	
	Subsector 447—Gasoline Stations		
*	*	*	*
447190	Other Gasoline Stations	29.5	
	Subsector 448—Clothing and Clothing Accessories Stores		
448110	Men's Clothing Stores	22.5	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
448150	Clothing Accessories Stores	29.5	
448190	Other Clothing Stores	27.5	
*	* * * * *	*	*
448310	Jewelry Stores	18.0	
448320	Luggage and Leather Goods Stores	33.5	
	Subsector 451—Sporting Good, Hobby, Book and Music Stores		
451110	Sporting Goods Stores	23.5	
451120	Hobby, Toy, and Game Stores	31.0	
*	* * * * *	*	*
451140	Musical Instrument and Supplies Stores	20.0	
451211	Book Stores	31.5	
451212	News Dealers and Newsstands	20.0	
	Subsector 452—General Merchandise Stores		
*	* * * * *	*	*
452311	Warehouse Clubs and Supercenters	41.5	
*	* * * * *	*	*
	Subsector 453—Miscellaneous Store Retailers		
*	* * * * *	*	*
453220	Gift, Novelty, and Souvenir Stores	12.0	
453310	Used Merchandise Stores	12.5	
453910	Pet and Pet Supplies Stores	28.0	
453920	Art Dealers	14.5	
*	* * * * *	*	*
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	10.0	
	Subsector 454—Nonstore Retailers		
*	* * * * *	*	*
454210	Vending Machine Operators	18.5	
*	* * * * *	*	*
454390	Other Direct Selling Establishments	13.0	
*	* * * * *	*	*

* * * * *

Isabella Casillas Guzman,

Administrator.

[FR Doc. 2022–12512 Filed 6–13–22; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0085; Project Identifier MCAI–2021–00498–T; Amendment 39–22072; AD 2022–12–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by reports of oxygen leaks caused by cracked, brittle, or broken oxygen hoses that were found during scheduled maintenance tests of the airplane oxygen system. This AD requires an inspection of the oxygen hose assembly to determine if an affected part number is installed, and replacement of affected oxygen hoses. For certain airplanes, this AD allows repetitive testing of the oxygen system

until affected hoses are replaced. This AD also prohibits installation of an affected oxygen hose. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 19, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 19, 2022.

ADDRESSES: For service information identified in this final rule, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 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. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0085.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0085; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Elizabeth Dowling, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–17, dated April 28, 2021 (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0085.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on February 3, 2022 (87 FR 6082). The NPRM was prompted by reports of oxygen leaks caused by cracked, brittle, or broken oxygen hoses that were found during scheduled maintenance tests of the airplane oxygen system. The NPRM proposed to require an inspection of the oxygen hose assembly to determine if an affected part number is installed, and replacement of affected oxygen hoses. For certain airplanes, the NPRM proposed to allow repetitive testing of the oxygen system until affected hoses are replaced. The NPRM also proposed to prohibit installation of an affected oxygen hose. The FAA is issuing this AD to address a leak in the oxygen line, which may result in failure to provide oxygen to passengers and crew and result in an oxygen enriched atmosphere creating a fire risk on the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment. Air Line Pilots Association, International (ALPA), an individual commenter, and Bombardier indicated their support for the NPRM.

Request To Revise the Conditions for the Aircraft Completion Center Supplemental Type Certificate (STC) Date

Bombardier requested that the FAA revise the conditions for the Aircraft Completion Center STC date. Bombardier stated that the use of the date when the Aircraft Completion Center STC was issued as specified in paragraphs (h)(1)(i), (h)(1)(ii) and (h)(3) of the proposed AD, will, in some cases, be inconsistent with the instructions given in the service bulletin. Bombardier commented that in cases where multiple configurations are approved by the Aircraft Completion Center STC, the date that the STC was issued is not necessarily indicative of the age of the hoses and should not be used. Bombardier stated that, for example, STC ST03088NY, was issued April 20, 2012, but has been used since then to approve many serial-number-specific configurations.

Bombardier suggested that the date used to determine whether operators may perform interim inspections and delay hose replacement be based on one of the following conditions:

- Initial approval of the aircraft completion modification was demonstrated by a serial number specific to the STC and the date the STC was issued; or
- Initial approval of the aircraft completion modification was demonstrated on an STC that approves multiple configurations by the initial approval date of the serial number specific configuration that correlates to the date STC was added to the approved configuration list.

Bombardier commented that the suggestion is consistent with the service information provided in Bombardier Advisory Wire AW700–35–0794, which includes an explanation of how to find the ''Aircraft Completion STC date'' (expression used in the associated service information), for cases where Bombardier is the STC holder.

The FAA disagrees with the commenter's implication that the ability to delay hose replacement is determined by the date of the STC. The date as given relative to an STC is only for the optional interim testing and if all conditions are met; whether an operator may delay replacement is determined solely based on serial numbers. If an STC is installed with the referenced hoses, the serial numbers can be checked on the hoses. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information.

- Bombardier Service Bulletin 700–1A11–35–014, Revision 01, dated February 12, 2021.
- Bombardier Service Bulletin 700–35–015, Revision 01, dated February 12, 2021.
- Bombardier Service Bulletin 700–35–5005, Revision 01, dated February 12, 2021.

• Bombardier Service Bulletin 700–35–6005, Revision 01, dated February 12, 2021.

• Bombardier Service Bulletin 700–35–6501, Revision 01, dated February 12, 2021.

This service information describes procedures for doing an inspection of the oxygen hose assembly installations to determine if a part number within the series O2C20T1 is installed, and replacing the oxygen hose if necessary. For certain airplanes, the service information specifies optional repetitive testing of the oxygen system that would allow for delay of the replacement. These documents are distinct since they apply to different airplane serial numbers.

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.

Costs of Compliance

The FAA estimates that this AD will affect 409 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 36 work-hours × $85 per hour = Up to $3,060	$0	Up to $3,060	Up to $1,251,540.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
Up to 25 work-hours × $85 per hour = Up to $2,125	Up to $125	Up to $2,250.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–12–01 Bombardier, Inc.: Amendment 39–22072; Docket No. FAA–2022–0085; Project Identifier MCAI–2021–00498–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 19, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers 9002 through 9879 inclusive and 9998.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by reports of oxygen leaks caused by cracked, brittle or broken oxygen hoses that were found during scheduled maintenance tests of the airplane oxygen system. The FAA is issuing this AD to address a leak in the oxygen line, which may result in failure to provide oxygen to passengers and crew and result in an oxygen enriched atmosphere creating a fire risk on the airplane.

(f) Compliance

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

(g) Inspection and Replacement

Within 6 months after the effective date of this AD: Do an inspection of the oxygen hose assembly to determine if any hose having a part number (P/N) in the O2C20T1 series is installed, in accordance with the Accomplishment Instructions of the applicable service information specified in figure 1 to paragraph (g) of this AD. If P/N O2C20T1 series is installed, or if any test fails as specified in paragraph (h) of this AD, before further flight, replace all the oxygen hoses, in accordance with the Accomplishment Instructions of the applicable service information specified in figure 1 to paragraph (g) of this AD.

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Figure 1 to paragraph (g) – *Service Information*

Model–	Serial Numbers–	Bombardier Service Bulletin–
BD-700-1A10 airplanes	9002 through 9005 inclusive, 9007 through 9014 inclusive, 9016 through 9020 inclusive, 9022 through 9026 inclusive, 9028 through 9033 inclusive, 9035, 9036, 9038 through 9051 inclusive, 9053 through 9055 inclusive, 9058 through 9080 inclusive, 9082 through 9106 inclusive, 9108 through 9122 inclusive, 9124 through 9129 inclusive, 9133, 9134, 9136 through 9171 inclusive, 9175, 9179 through 9286 inclusive, 9290 through 9312 inclusive, 9314 through 9354 inclusive, 9357, and 9360 through 9429 inclusive	700-35-015, Revision 01, dated February 12, 2021
BD-700-1A10 airplanes	9381, 9432 through 9491 inclusive, 9496 through 9505 inclusive, 9507 through 9515 inclusive, 9518 through 9525 inclusive, 9527 through 9619 inclusive, 9622 through 9654 inclusive, 9657 through 9673 inclusive, 9677, 9680 through 9684 inclusive, 9686 through 9712 inclusive, 9716 through 9742 inclusive, 9744 through 9785 inclusive, 9788 through 9853 inclusive, 9856 through 9867 inclusive, 9870, 9873 through 9878 inclusive	700-35-6005, Revision 01, dated February 12, 2021
BD-700-1A10 airplanes	9861 and 9872	700-35-6501 Revision 01, dated February 12, 2021
BD-700-1A11 airplanes	9130 through 9209 inclusive, 9212 through 9305 inclusive, 9311 through 9359 inclusive, 9366 through 9430 inclusive, and 9998	700-1A11-35-014, Revision 01, dated February 12, 2021
BD-700-1A11 airplanes	9386, 9401 through 9613 inclusive, and 9618 through 9879 inclusive	700-35-5005, Revision 01, dated February 12, 2021

(h) Optional Interim Testing for Certain Airplanes

For airplanes identified in figure 2 of paragraph (h) of this AD: The oxygen hose replacement, if required by paragraph (g) of this AD, may be delayed if all conditions specified in paragraphs (h)(1) through (3) of this AD are met.

(1) The oxygen system is tested at the applicable times specified in paragraph (h)(1)(i) or (ii) of this AD, in accordance with the Accomplishment Instructions of the applicable service information specified in figure 2 to paragraph (h) of this AD.

(i) If the Aircraft Completion Center Supplemental Type Certificate (STC) for the passenger cabin interior was issued within 5 years before the effective date of this AD: The oxygen system is tested within 6 months after the effective date of this AD, and thereafter at intervals not to exceed 30 months.

(ii) If the Aircraft Completion Center STC for the passenger cabin interior was issued 5 years or more before the effective date of this AD: The oxygen system is tested within 6 months after the effective date of this AD, and thereafter at intervals not to exceed 15 months.

(2) All P/N O2C20T1 series hoses are replaced before further flight as specified in paragraph (g) of this AD after any hose fails any test.

(3) Except as specified by paragraph (h)(2) of this AD, all P/N O2C20T1 series hoses are replaced within 10 years after issuance of the Aircraft Completion Center STC for the passenger cabin interior as specified in paragraph (g) of this AD provided that all P/N O2C20T1 series hoses in the flight compartment and the third crew (left-hand side enclosure) are replaced within 6 months after the effective date of this AD.

Figure 2 to paragraph (h) – *Service Information for Optional Interim Testing*

Model–	Serial Numbers–	Bombardier Service Bulletin–
BD-700-1A10 airplanes	9381, 9432 through 9491 inclusive, 9496 through 9505 inclusive, 9507 through 9515 inclusive, 9518 through 9525 inclusive, 9527 through 9619 inclusive, 9622 through 9654 inclusive, 9657 through 9673 inclusive, 9677, 9680 through 9684 inclusive, 9686 through 9712 inclusive, 9716 through 9742 inclusive, 9744 through 9785 inclusive, 9788 through 9853, 9856 through 9867 inclusive, 9870, 9873 through 9878 inclusive.	700-35-6005, Revision 01, dated February 12, 2021
BD-700-1A10 airplanes	9861 and 9872	700-35-6501 Revision 01, dated February 12, 2021
BD-700-1A11 airplanes	9386, 9401 through 9613 inclusive, and 9618 through 9879 inclusive	700-35-5005, Revision 01, dated February 12, 2021

BILLING CODE 4910–13–C

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install an oxygen hose assembly having a P/N in the O2C20T1 series on any airplane.

(j) 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 applicable service information specified in paragraphs (j)(1) through (5) of this AD.

(1) Bombardier Service Bulletin 700–1A11–35–014, dated September 28, 2020.

(2) Bombardier Service Bulletin 700–35–015, dated September 28, 2020.

(3) Bombardier Service Bulletin 700–35–5005, dated September 28, 2020.

(4) Bombardier Service Bulletin 700–35–6005, dated September 28, 2020.

(5) Bombardier Service Bulletin 700–35–6501, dated September 28, 2020.

(k) 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; fax 516–794–5531. 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.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–17, dated April 28, 2021, 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–2022–0085.

(2) For more information about this AD, contact Elizabeth Dowling, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–1A11–35–014, Revision 01, dated February 12, 2021.

(ii) Bombardier Service Bulletin 700–35–015, Revision 01, dated February 12, 2021.

(iii) Bombardier Service Bulletin 700–35–5005, Revision 01, dated February 12, 2021.

(iv) Bombardier Service Bulletin 700–35–6005, Revision 01, dated February 12, 2021.

(v) Bombardier Service Bulletin 700–35–6501, Revision 01, dated February 12, 2021.

(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 514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.*

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

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

Issued on May 25, 2022.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–12749 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0676; Project Identifier AD–2022–00533–R; Amendment 39–22080; AD 2022–12–08]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Robinson Helicopter Company Model R22 BETA, R44, and R44 II helicopters. This AD was prompted by reports of intermittent or abnormal operation of the engine revolutions per minute (RPM) governor (governor). This AD requires inspecting the engine RPM sensor wiring and installing a wiring kit. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2022.

The FAA must receive comments on this AD by July 29, 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 final rule, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; email *ts1@robinsonheli.com*; or at *https://robinsonheli.com.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. Service information that is incorporated by reference is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0676.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0676; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Jeffrey Chang, Aerospace Engineer, Propulsion Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5263; email *jeffrey.chang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA is adopting a new AD for certain serial-numbered Robinson Helicopter Company Model R22 BETA, R44, and R44 II helicopters. This AD was prompted by reports of intermittent or abnormal operation of the governor. In normal conditions, a properly functioning governor maintains engine speed within acceptable limits. Intermittent or abnormal operation of the governor may result in engine overspeed or underspeed conditions during flight. If the engine governor malfunctions, the pilot may assume manual throttle control by firmly gripping the throttle and overriding the governor's friction clutch, or by switching the governor off. In the event of low rotor RPM, an alarm sounds. This condition, if not addressed, could result in reduced control of the helicopter and subsequent emergency landing or loss of control of the helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Robinson R22-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–288 Revision A, and Robinson R44-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–287 Revision A, each dated February 23, 2022. This service information specifies procedures to inspect the engine RPM sensor wiring for damage, repair that wiring, and modify the governor wiring connection to the airframe harness with different connectors for improved clearance and strain relief.

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

Other Related Service Information

The FAA reviewed Robinson Helicopter Company R22 Service Bulletin SB–119, and Robinson Helicopter Company R44 Service Bulletin SB–111, each dated February 23, 2022. This service information specifies inspecting the sensor wiring, installing a governor wiring kit, and accomplishing the starting engine and run-up checklist to verify proper governor operation.

AD Requirements

This AD requires inspecting the engine RPM sensor wiring for damage, and depending on the outcome, accomplishing repairs. This AD also requires modifying the governor wiring connection to the airframe harness by installing wiring kit KI–288 for Model R22 BETA helicopters and wiring kit KI–287 for Model R44 and R44 II helicopters.

Interim Action

The FAA considers this AD to be an interim action as the design approval

holder continues to investigate the unsafe condition identified in this AD. If final action is later identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because the next predicted event of intermittent or abnormal operation of a governor is within three months. In light of this, the required actions must be accomplished within 15 hours time-in-service or 15 days, whichever occurs first. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0676 and Project Identifier AD–2022–00533–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Jeffrey Chang, Aerospace Engineer, Propulsion Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5263; email *jeffrey.chang@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.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 43 helicopters (4 Model R22 BETA helicopters and 39 Model R44 and R44 II helicopters) of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the wiring and installing wiring kit KI–288 for Model R22 BETA helicopters takes about 3.5 work-hours and parts cost about $75 for an estimated cost of $373 per helicopter and $1,492 for the U.S. fleet (4 Model R22 BETA helicopters).

Inspecting the wiring and installing wiring kit KI–287 for Model R44 and R44 II helicopters takes about 4.5 work-hours and parts cost about $125 for an estimated cost of $508 per helicopter and $19,812 for the U.S. fleet (39 Model R44 and R44 II helicopters).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–12–08 Robinson Helicopter Company: Amendment 39–22080; Docket No. FAA–2022–0676; Project Identifier AD–2022–00533–R.

(a) Effective Date

This airworthiness directive (AD) is effective June 29, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Robinson Helicopter Company helicopters identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model R22 BETA helicopters, serial numbers (S/Ns) 4825 through 4857 inclusive, 4860, and 4861.

(2) Model R44 helicopters, S/Ns 2625 through 2669 inclusive, 30061, 30071 through 30080 inclusive, 30083, and 30084.

Note 1 to paragraph (c)(2): Helicopters with an R44 Cadet designation are Model R44 helicopters.

(3) Model R44 II helicopters, S/Ns 14364, 14412 through 14512 inclusive, 14514 through 14517 inclusive, 14519 through 14521 inclusive, and 14525.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2797, Flight Control System Wiring; 7697, Engine Control System Wiring; and 7714, Engine RPM Indicating System.

(e) Unsafe Condition

This AD was prompted by reports of intermittent or abnormal operation of the engine revolutions per minute (RPM) governor (governor). The FAA is issuing this AD to prevent failure of the governor. The unsafe condition, if not addressed, could result in engine overspeed or underspeed conditions during flight, loss of engine thrust control, increased pilot workload, reduced control of the helicopter, and subsequent emergency landing or loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Within 15 hours time-in-service or 15 days after the effective date of this AD, whichever occurs first:

(1) For Model R22 BETA helicopters, inspect the engine RPM sensor wiring and modify the wiring connection to the airframe harness by following paragraphs 1 through 31 of the Kit Instructions in Robinson R22-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–288 Revision A, dated February 23, 2022, except you are not required to discard parts.

(2) For Model R44 and R44 II helicopters, inspect the engine RPM sensor wiring and modify the wiring connection to the airframe harness by following paragraphs 1 through 41 of the Kit Instructions in Robinson R44-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–287 Revision A, dated February 23, 2022, except you are not required to discard parts.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Jeffrey Chang, Aerospace Engineer, Propulsion Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5263; email *jeffrey.chang@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Robinson R22-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–288 Revision A, dated February 23, 2022.

(ii) Robinson R44-series Governor & Engine RPM Sensor Connector Upgrade Kit Instructions, KI–287 Revision A, dated February 23, 2022.

(3) For Robinson service information identified in this AD, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; email *ts1@robinsonheli.com;* or at *https://robinsonheli.com.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on June 2, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12883 Filed 6–10–22; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0151; Project Identifier MCAI–2021–00521–A; Amendment 39–22078; AD 2022–12–06]

RIN 2120–AA64

Airworthiness Directives; Costruzioni Aeronautiche Tecnam S.P.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Costruzioni Aeronautiche Tecnam S.P.A. Model P2012 Traveller airplanes. This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as free play in the trim tab actuator and trim tab surface. This AD requires repetitively inspecting the trim tab trailing edge to determine if free play exists and taking corrective actions as needed. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 19, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 19, 2022.

ADDRESSES: For service information identified in this final rule, contact Costruzioni Aeronautiche Tecnam S.P.A., Airworthiness Office Via S. D'acquisto 62, Boscotrecase, 80042, Italy; phone: +39 0823 997538; email: *traveller.support@Tecnam.com;* website: *https://www.Tecnam.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov*

by searching for and locating Docket No. FAA–2022–0151.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0151; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; email: *jim.rutherford@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial-numbered Costruzioni Aeronautiche Tecnam S.P.A. Model P2012 Traveller airplanes. The NPRM published in the **Federal Register** on March 7, 2022 (87 FR 12627). The NPRM was prompted by MCAI originated by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2021–0119, dated April 30, 2021 (referred to after this as ''the MCAI''), to address the unsafe condition on Costruzioni Aeronautiche Tecnam S.P.A. Model P2012 Traveller airplanes with serial numbers (S/Ns) 002 through 030 inclusive. The MCAI states:

> Occurrences have been reported of vibration in the horizontal stabiliser control yoke and pedals, both sides. The subsequent investigation identified free play in the trim tab actuator and trim tab surface.
>
> This condition, if not detected and corrected, could lead to a significant free play on the trim tab connection, with consequent increase in dynamic loads and vibrations, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, TECNAM issued the [Service Bulletin] SB to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the trim tab trailing edge and, depending on findings, accomplishment of applicable corrective action(s).

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0151.

In the NPRM, the FAA proposed to require repetitively inspecting the trim tab trailing edge to determine if free play exists and taking corrective actions as needed. The FAA is issuing this AD to prevent reduced airplane control.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Hyannis Air Service, Inc. (Hyannis). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Withdraw the NPRM

Hyannis stated that the unsafe condition has been addressed by the manufacturer's revision to the Airworthiness Limitations section (ALS) of the aircraft maintenance manual (AMM) to include the repetitive inspections and criteria to determine continued serviceability of the elevator trim tab control system as described in paragraphs (f) and (g) of the proposed AD. Hyannis further stated that 14 CFR 43.16 and 14 CFR 91.403(c) require compliance with the ALS of a manufacturer's AMM. The FAA infers that Hyannis is requesting that the FAA withdraw the NPRM.

The FAA disagrees. Although the regulations cited by the commenter do require maintenance be performed in accordance with a manufacturer's ALS, an operator is only required to use the version of the ALS that was delivered with its airplane. The NPRM applied to Costruzioni Aeronautiche Tecnam S.P.A. Model P2012 Traveller airplanes with S/Ns 002 through 030, inclusive, which were delivered with a version of the ALS that pre-dated the inspection and criteria required by paragraphs (f) and (g) of this AD. Later manufacturer revisions to the ALS are not mandatory for all operators, absent an AD or other rule that would require the new ALS provisions to be used. Therefore, this AD is necessary to ensure that the identified unsafe condition is addressed on these airplanes.

Request To Change the Service Information

Hyannis requested that the FAA revise the proposed inspection and maintenance actions to require using Section 55 of the AMM instead of Tecnam Service Bulletin 398–CS–Edition 2, Rev. 1, dated August 17, 2020 (Tecnam SB 398–CS–Edition 2, Rev. 1). Hyannis stated that Tecnam SB 398–CS–Edition 2, Rev. 1, is not current. Specifically, Hyannis explained that the manufacturer improved the design of the elevator trim actuator (modification 2012/157), which is installed on new airplanes beginning with S/N 025, and that the servicing instructions for this actuator are not included in Tecnam SB 398–CS–Edition 2, Rev. 1. However, Hyannis stated that the servicing instructions for both the older elevator trim actuator and the improved elevator trim actuator were included in Edition 5, dated January 14, 2022, of Section 55 of the AMM.

The FAA disagrees that requiring compliance with Section 55 of the AMM is necessary to correct the unsafe condition. Tecnam SB 398–CS–Edition 2, Rev. 1, refers to Tecnam Job Card 1249, which includes servicing instructions for both the older and the modification 2012/157 actuators. If an operator prefers to use the latest AMM revision for accomplishing the inspection and servicing tasks, the operator may request to do so through the alternative method of compliance (AMOC) process following paragraph (i) of this AD. The FAA has not changed the AD in this regard.

Request To Expand the Applicability

Hyannis requested the FAA revise the applicability of the proposed AD to include all Model P2012 Traveller airplanes, regardless of S/N. Hyannis stated that there are airplanes on the U.S. Registry with S/Ns greater than S/N 030 with the same elevator tab control system design.

The FAA disagrees. The ALS in Edition 4, Revision 0, dated March 19, 2021, of the AMM includes the repetitive inspections and criteria to determine continued serviceability of the elevator trim tab control system required by paragraphs (f) and (g) of this AD. Model P2012 airplanes having S/Ns 031 and later were delivered with the updated ALS found in AMM, Edition 4, Revision 0, or a later version. 14 CFR 43.16 and 14 CFR 91.403(c) require inspection and maintenance specified in an ALS of a manufacturer's AMM to be completed in accordance with that section. Therefore, Model P2012 airplanes with S/Ns 031 and larger are not subject to the unsafe condition. The FAA has not changed this final rule regarding this comment.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described

in the MCAI and service information referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Tecnam Service Bulletin 398–CS–Edition 2, Rev. 1, dated August 17, 2020. The service information specifies procedures for inspecting the trim tab trailing edge to determine if free play exists and taking corrective actions as needed.

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

Other Related Service Information

The FAA also reviewed Tecnam Service Bulletin 398–CS–Edition 2, Rev. 0, dated August 5, 2020. The service information specifies procedures for inspecting the trim tab trailing edge to determine if free play exists and taking corrective actions as needed.

In addition, the FAA reviewed Tecnam Job Card No. 1249 Ed.1, Rev.1, dated May 5, 2021. The service information specifies procedures for servicing free play of the mechanical trim actuator.

Costs of Compliance

The FAA estimates that this AD affects 21 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Trim tab surface free play inspection.	1 work-hour × $85 per hour = $85.	Not applicable	$85 per inspection cycle	$1,785 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per airplane
Trim actuator free play inspection	2 work-hours × $85 per hour = $170	Not applicable	$170
Trim actuator servicing	2 work-hours × $85 per hour = $170	$100	270
Trim actuator replacement	1 work-hour × $85 per hour = $85	1,000	1,085

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–12–06 Costruzioni Aeronautiche Tecnam S.P.A.: Amendment 39–22078; Docket No. FAA–2022–0151; Project Identifier MCAI–2021–00521–A.

(a) Effective Date

This airworthiness directive (AD) is effective July 19, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Costruzioni Aeronautiche Tecnam S.P.A. Model P2012 Traveller airplanes, serial numbers 002 through 030 inclusive, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2731: Elevator Tab Control System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI

describes the unsafe condition as free play in the trim tab actuator and trim tab surface. The FAA is issuing this AD to detect and correct free play in the trim tab connection, which could lead to reduced airplane control.

(f) Compliance

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

(g) Trim Tab Surface Free Play Inspection and Maintenance

Within 100 hours time-in-service (TIS) after the effective date of this AD and thereafter at intervals not to exceed 100 hours TIS, measure the trim tab surface for free play in accordance with Appendix A, Accomplishment Instructions, section 2 (Step 1—Trim Tab surface free play measurement) on pages 3 and 4 of Tecnam Service Bulletin 398–CS–Edition 2, Rev. 1, dated August 17, 2020 (Tecnam SB 398–CS–Edition 2, Rev. 1). If there is free play that exceeds the allowable tolerance, before further flight, measure the trim tab actuator for free play and take any corrective actions in accordance with Appendix A, Accomplishment Instructions, section 3 (Step 2—Trim Actuator free play measurement) on page 5 of Tecnam SB 398–CS–Edition 2, Rev 1.

(h) Credit for Previous Actions

You may take credit for the initial inspection required by paragraph (g) of this AD if you performed that action before the effective date of this AD using Tecnam Service Bulletin 398–CS–Edition 2, Rev. 0, dated August 5, 2020.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; email: *jim.rutherford@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2021–0119, dated April 30, 2021, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0151.

(k) Material Incorporated by Reference

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

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

(i) Tecnam Service Bulletin 398–CS–Edition 2, Rev. 1, dated August 17, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Costruzioni Aeronautiche Tecnam S.P.A., Airworthiness Office, Via S. D'acquisto 62, Boscotrecase, 80042, Italy; phone: +39 0823 997538; email: *traveller.support@Tecnam.com;* website: *https://www.Tecnam.com.*

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

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

Issued on June 4, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12762 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0306; Airspace Docket No. 22–AGL–16]

RIN 2120–AA66

Amendment of Class E Airspace; Baldwin, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Baldwin, MI. The FAA is finalizing this action due to an airspace review conducted as part of the decommissioning of the White Cloud very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The 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 Baldwin Municipal Airport, Baldwin, MI, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 21062; April 11, 2022) for Docket No. FAA–2022–0306 to amend the Class E airspace at Baldwin, MI. 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 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 at Baldwin Municipal Airport, Baldwin, MI, by removing the White Cloud VOR and associated extension from the airspace legal description; and updates 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 White Cloud 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 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.

* * * * *

AGL MI E5 Baldwin, MI [Amended]

Baldwin Municipal Airport, MI
(Lat. 43°52′32″N, long. 85°50′31″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Baldwin Municipal Airport.

Issued in Fort Worth, Texas, on June 8, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–12696 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0311; Airspace Docket No. 22–ASW–7]

RIN 2120–AA66

Amendment of Class E Airspace; Graham, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Graham, TX. The FAA is finalizing this action due to an airspace review conducted as part of the decommissioning of the Graham non-directional beacon (NDB). The 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 Graham Municipal Airport, Graham, TX, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 21066; April 11, 2022) for Docket No. FAA–2022–0311 to amend the Class E airspace at Graham, TX. 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 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (increased from a 6.4-mile) radius of Graham Municipal Airport, Graham, TX; removes the Graham RBN and the associated extension from the airspace legal description; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review conducted as part of the decommissioning of the Graham NDB which provided navigation information for the instrument procedures at this airport.

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.

* * * * *

ASW TX E5 Graham, TX [Amended]

Graham Municipal Airport, TX

(Lat. 33°06′39″ N, long. 98°33′17″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Graham Municipal Airport.

Issued in Fort Worth, Texas, on June 8, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–12694 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0310; Airspace Docket No. 22–ASW–6]

RIN 2120–AA66

Amendment of Class E Airspace; Oakwood, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Oakwood, TX. The FAA is finalizing this action due to an airspace review conducted as part of the decommissioning of the Leona very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

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 Carter Ranch Airport, Oakwood, TX, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 21060; April 11, 2022) for Docket No. FAA–2022–0310 to amend the Class E airspace at Oakwood, TX. 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 at Carter Ranch Airport, Oakwood, TX, by removing the Leona VORTAC and associated extension from the airspace legal description; removes the exclusionary language from the airspace legal description as it is not required; and removes the city associated with the airport to comply with changes to FAA Order JO 7400.2N, Procedures for Handling Airspace Matters.

This action is the result of an airspace review conducted as part of the decommissioning of the Leona 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.

* * * * *

ASW TX E5 Oakwood, TX [Amended]

Carter Ranch Airport, TX

(Lat. 31°34′01″N, long. 95°46′00″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Carter Ranch Airport.

Issued in Fort Worth, Texas, on June 8, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–12695 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 360

[Docket No. 17–CRB–0012–RM]

Procedural Regulations for the Copyright Royalty Board Regarding Electronic Filing of Claims; Corrections

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Correcting amendments.

SUMMARY: On July 8, 2019, the Copyright Royalty Judges revised their regulations to move several sections from one part to a new part. At the time, the Judges inadvertently failed to revise other regulations that include cross-references to the old part. They are now revising regulations regarding the filing of claims to reflect the change.

DATES: Effective June 14, 2022.

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, 202–707–7658, *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: In 2019, the Copyright Royalty Judges moved provisions related to general administrative items from part 350 to a new part 303 (84 FR 32296, July 8, 2019). The Judges inadvertently failed to make conforming revisions to part 360 governing the filing of claims at that time. The Judges now amend three sections of part 360 to correct outdated cross-references. They are updating the cross-reference in § 360.3(b) from § 350.7 to § 303.7 (regarding time) and the cross-references in §§ 360.4(c) and 360.22(c) from § 350.5(g) to § 303.5(g) (regarding changes in name and address). *See* 82 FR 27016 (June 13, 2017) (Final rule) and 82 FR 55323 (Nov. 21, 2017) (Correcting amendment).

List of Subjects in 37 CFR Part 360

Administrative practice and procedure, Cable royalties, Claims, Copyright, Electronic filing, Satellite royalties.

Accordingly, the Copyright Royalty Judges correct 37 CFR part 360 by making the following correcting amendments:

PART 360—FILING OF CLAIMS TO ROYALTY FEES COLLECTED UNDER COMPULSORY LICENSE

■ 1. The authority citation for part 360 continues to read as follows:

Authority: 17 U.S.C. 801, 803, 805.

Subpart A also issued under 17 U.S.C. 111(d)(4) and 119(b)(4).

Subpart B also issued under 17 U.S.C. 1007(a)(1).

Subpart C also issued under 17 U.S.C. 111(d)(4), 119(b)(4) and 1007(a)(1).

Subpart A—Cable and Satellite Claims

§ 360.3 [Amended]

■ 2. In § 360.3, amend paragraph (b) by removing ''350.7'' and adding in its place ''303.7''.

§ 360.4 [Amended]

■ 3. In § 360.4, amend paragraph (c) by removing ''350.5(g)'' and adding in its place ''303.5(g)''.

Subpart B—Digital Audio Recording Devices and Media (DART) Royalty Claims

§ 360.22 [Amended]

■ 4. In § 360.22, amend paragraph (c) by removing ''350.5(g)'' and adding in its place ''303.5(g)''.

Dated: June 8, 2022.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2022–12747 Filed 6–13–22; 8:45 am]

BILLING CODE 1410–72–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 4

[Docket No. USCG–2021–0348]

Navigation and Navigable Waters, and Shipping; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Technical amendment.

SUMMARY: On January 21, 2022, the Coast Guard prematurely amended the definition of ''major marine casualty'' for title 46 of the Code of Federal Regulations as part of a technical amendment. The Coast Guard is reverting that definition back to how it appeared prior to issuance of the technical amendment.

DATES: This final rule is effective June 14, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0348 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Courtney Mallon, Coast Guard; telephone 202–372–3758, email *Courtney.Mallon@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations
II. Basis and Purpose, and Regulatory History
III. Discussion of the Rule
IV. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. Abbreviations

CFR Code of Federal Regulations
NPRM Notice of proposed rulemaking
NTSB National Transportation Safety Board
§ Section
U.S.C. United States Code

II. Basis and Purpose, and Regulatory History

On January 21, 2022, the Coast Guard published a technical amendment [1] that revised the definition of ''major marine casualty'' in title 46 of the Code of Federal Regulations (CFR), paragraph 4.40–5(d)(3). That change altered the property damage threshold from $500,000 to $2,000,000. The stated basis for the change was to implement section 211 of the Save Our Seas Act of 2018 (Pub. L. 115–265, 132 Stat. 3742). However, the Coast Guard has determined that this matter needs further analysis. The correct legal authority for changing this regulation is title 49 of the United States Code (U.S.C.), section 1131. That statute requires a rule prescribed jointly by the National Transportation Safety Board (NTSB) and the Coast Guard. As a result, we need to revert to the previous value of $500,000 for the time being.

The Coast Guard is issuing this technical amendment without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this technical amendment because publishing an NPRM would be unnecessary. Under 49 U.S.C. 1131, changes to the reporting value threshold for 46 CFR 4.40–5(d)(3) requires a rule prescribed jointly by the NTSB and the Coast Guard. The January 21, 2022, technical amendment was only issued by the Coast Guard, so the value listed before the technical amendment should be restored, and can later be adjusted in a joint rulemaking. For those same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this technical amendment effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This action restores the property damage threshold of 46 CFR 4.40–5(d)(3), to $500,000.

IV. Regulatory Analyses

We developed this amendment after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of

[1] 87 FR 3217.

reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget has not designated this technical amendment a significant regulatory action under section 3(f) of Executive Order 12866. A regulatory analysis follows.

This technical amendment returns the property damage threshold in the definition of a ''major marine casualty'' to $500,000 from $2,000,000. This property damage threshold is contained within 46 CFR Subpart 4.40 covering the joint regulations between the NTSB and the Coast Guard for the investigation of marine casualties. Specifically, this property damage threshold defines when the NTSB may investigate marine casualties. Among other marine casualties, the NTSB has the right to investigate any major marine casualities with total property damage above the threshold.[2]

The Coast Guard made an error in its previous technical amendment in January 2022, and the Coast Guard quickly realized its error. As a result, both the NTSB and Coast Guard are still operating as if the NTSB may investigate any major marine casualty resulting in property damage of $500,000 or more. Because Coast Guard and NTSB operations have not changed since the publication of the previous technical amendment, there has been no change in the regulatory analysis baseline since the January 2022 technical amendment.

The technical amendment in this notice will not result in costs to any industry, or government entities. Because the Coast Guard and NTSB are continuing to implement the $500,000 property damage threshold for a major marine casualty, returning the regulation back to $500,000 will result in no change in policy or practices across the public, NTSB, or Coast Guard. Without a change in practices there can be no costs from this technical amendment.

This technical amendment will result in unquantified benefits stemming from timely correction of the technical amendment that was made in error in January 2022. If an operator/owner or other pertinent marine entity suffered a marine casualty with between $500,000 and $2,000,000 in property damage, the NTSB would investigate it using the current Coast Guard/NTSB policy. This investigation would not be permitted by the current regulations. The individual could be averse to the investigation and argue that the Coast Guard/NTSB policy is not consistent with the current regulations. However, because the Coast Guard issued the previous technical amendment under an incorrect legal authority, the previous change is invalid. Accordingly, the actual text of the CFR is not correct and can cause confusion and disagreement between the public, the Coast Guard, and the NTSB. By reverting the property damage threshold of a major marine casualty to $500,000, the Coast Guard would eliminate a source of confusion from this section of regulation.

B. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this technical amendment so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this technical amendment or any policy or action of the Coast Guard.

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).

C. Collection of Information

This technical amendment calls for no new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

D. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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 technical amendment under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

E. Unfunded Mandates

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. Although this technical amendment will not result in such expenditure, we do discuss the effects of this amendment elsewhere in this preamble.

F. Taking of Private Property

This technical amendment will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

G. Civil Justice Reform

This technical amendment meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

H. Indian Tribal Governments

This technical amendment does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will 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.

I. Energy Effects

We have analyzed this technical amendment under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. Environment

We have analyzed this technical amendment under Department of Homeland Security Management 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 determination that this action is one of

[2] 46 CFR 4.40–15(a) reads, ''The Board may conduct an investigation under the Act of any major marine casualty or any casualty involving public and non-public vessels.''

a category of actions that do not individually or cumulatively have a significant effect on the human environment. 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.

This technical amendment is categorically excluded under paragraphs A3 and L54 of Appendix A, Table 1 of Department of Homeland Security Instruction Manual 023–01–001–01, Rev. 1. Paragraph A3 pertains to the promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature: (a) Those of a strictly administrative or procedural nature; (b) those that implement, without substantive change, statutory or regulatory requirements; (c) those that implement, without substantive change, procedures, manuals, and other guidance documents; and (d) those that interpret or amend an existing regulation without changing its environmental effect. Paragraph L54 pertains to regulations which are editorial or procedural. This technical amendment involves non-substantive technical, organizational, and conforming amendments to existing Coast Guard regulations.

List of Subjects in 46 CFR Part 4

Administrative practice and procedure, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 4 as follows:

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: 14 U.S.C. 102; 43 U.S.C. 1333; 46 U.S.C. 2103, 2303A, 2306, 6101, 6301, 6305, 70034; 50 U.S.C. 198; DHS Delegation 00170.1, Revision No. 01.2. Subpart 4.40 issued under 49 U.S.C. 1131(a)(1)(E).

§ 4.40–5 [Amended]

■ 2. In § 4.40–5 amend paragraph (d)(3) by removing the text ''$2,000,000'' and adding, in its place, the text ''$500,000''.

Dated: June 6, 2022.

Michael Cunningham,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2022–12473 Filed 6–13–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220325–0079; RTID 0648–XC089]

Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: This document announces four additional season dates for Pacific halibut recreational fisheries in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. Specifically, this action adds the dates of June 10, 17, and 24 for the Washington North Coast subarea, June 28 and 30 for the Washington South Coast subarea, and June 13 and 20 for the Columbia River subarea, which includes waters off Washington and Oregon. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: This action is effective June 9, 2022, through September 30, 2022. Submit comments on or before June 29, 2022.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2022–0003, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0003 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Scott M. Rumsey, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR, 97232.

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

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov/.* Background information and documents are available at the NOAA Fisheries website at *https://www.fisheries.noaa.gov/action/2022-pacific-halibut-catch-sharing-plan* and at the Pacific Fishery Management Council's (Council) website at *https://www.pcouncil.org.* Other comments received may be accessed through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, phone: 562–980–4034, fax: 562–980–4018, or email: *joshua.lindsay@noaa.gov.*

SUPPLEMENTARY INFORMATION: On April 1, 2022, NMFS published a final rule approving changes to the Pacific halibut Area 2A Catch Sharing Plan and implementing recreational (sport) management measures for 2022 (87 FR 19007), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The 2022 Catch Sharing Plan provides a recommended framework for NMFS' annual management measures and subarea allocations based on the 2022 Area 2A Pacific halibut catch limit of 1,490,000 pounds (lb) (675.9 metric tons (mt)) set by the International Pacific Halibut Commission (IPHC). These Pacific halibut management measures include recreational fishery season dates and subarea allocations.

Federal regulations at 50 CFR 300.63(c), ''Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A,'' allow the NMFS' Regional Administrator to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify sport (recreational) fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit.

NMFS has determined that, due to lower than expected landings in portions of Washington and Oregon, specifically the Washington North and South Coast subareas and Columbia

River subarea, inseason action to modify the 2022 annual regulations for the recreational fishery is warranted at this time to provide additional opportunity for fishery participations to achieve the Area 2A allocations as published in the final rule (87 FR 19007; April 1, 2022). As stated above, inseason modification of the fishing season is authorized by Federal regulations at 50 CFR 300.63(c). After consulting with IPHC, the Council, the Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW), NMFS determined the following inseason action is necessary to meet the management objective of attaining the subarea allocations, and is consistent with the inseason management provisions allowing for the modification of sport fishing periods and sport fishing days per calendar week. Notice of these additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action

Description of the action: This inseason action implements three additional fishing dates for the Washington North Coast, two additional fishing dates for the Washington South Coast, and two additional dates for Columbia River subareas during the 2022 recreational fishery.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in the Washington North Coast subarea on June 10, 17, and 24, the South Coast subarea on June 28 and 30, and the Columbia River subarea on June 13 and 20. The recreational fishery in these subareas opened on May 5, 2022. NMFS has determined that these additional dates are warranted due to lower than expected landings through May 2022, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. As of May 27, anglers in the Washington North and South Coast and Columbia River subareas have harvested 35,066 lb (15.91 mt) of the 221,439 lb (100.44 mt) allocations (16 percent), leaving 186,373 lb (84.54 mt) remaining (84 percent of the subarea allocation). This is a result of poor weather and ocean conditions preventing anglers from safely participating in the recreational fishery off the coast of Washington and the area off of the Columbia River. For reference, by the end of May 2021, fishery participants in the Washington North and South Coast and Columbia River subareas had attained 74 percent of the available recreational allocation. Without the additional fishing days in this action, the season dates implemented in the April 1, 2022 (87 FR 19007), final rule would likely result in substantial unharvested allocation in these subareas.

After consulting with WDFW and ODFW, it was determined that in order for anglers to have the opportunity to achieve the combined subarea allocations in Washington and off the Columbia River, and with little risk of the subarea or coastwide allocations being exceeded, additional season dates were warranted for participants in the Washington North and South Coast and Columbia River subareas. Therefore, through this action NMFS is announcing new season dates in June that were not previously implemented in the April 1, 2022, final rule (87 FR 19007). Specifically, the additional season dates for the Washington North Coast subarea are June 10, 17, and 24, Washington South Coast are June 28 and 30, and June 13 and 20 for the Columbia River subarea.

Notice of these additional dates will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Weekly catch monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient allocation for another full day of fishing, and the area is closed by the IPHC, or the season closes on September 30, whichever is earlier.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. WDFW and ODFW provided updated landings data to NMFS on May 27, 2022, showing that the fishery participants in the recreational fishery off of Washington had only caught 16 percent of Washington North and South Coast and the Columbia River subarea's combined allocations. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2022 is substantially lower than past years for this same point in time, and was not anticipated when the 2022 final rule setting the 2022 recreational fishery season dates was developed. This action should be implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery closes on September 30, 2022, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, the Washington North and South Coast and Columbia River subarea allocations are unlikely to be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan and the 2022 management measures. It is necessary that this rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational

fisheries in Washington subareas, indicating additional dates should be added to the fishery to ensure optimal and sustainable harvest of the subarea allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of the recreational Pacific halibut fishery to be met.

Dated: June 9, 2022.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2022–12811 Filed 6–9–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 87, No. 114

Tuesday, June 14, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2019–0035]

RIN 0579–AE53

Domestic Quarantine Regulations; Quarantined Areas and Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the regulations that govern domestic quarantines for various plant pests by removing lists of quarantined areas and regulated articles from the regulations in order to maintain these lists on web pages maintained by the Agency. We are proposing these amendments because they would allow the Agency to be more responsive in updating the lists. These changes would allow us to use a notice-based, streamlined approach to update the lists while continuing to protect plant health.

DATES: We will consider all comments that we receive on or before August 15, 2022.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2019–0035 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0035, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The proposed rule, supporting documents, and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Evans-Goldner, National Policy Manager, Office of the Deputy Administrator, PPQ, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737; (301) 851–2286; *lynn.evans-goldner@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the Plant Protection Act (PPA, 7 U.S.C 7701 *et seq.*), the Secretary of Agriculture is authorized to restrict the interstate movement of plants, plants products, and other articles to prevent the dissemination of plant pests and noxious weeds within the United States, and to issue regulations and orders regarding such restrictions. The Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS).

Pursuant to the PPA, APHIS has issued the regulations in 7 CFR part 301, ''Domestic Quarantine Notices,'' (referred to below as the regulations), in order to prevent the interstate spread of plant pests within the United States.

Part 301 is currently divided into 20 subparts. The first two subparts are ''Subpart A—Preemption and Special Need Requests'' (§§ 301.1 through 301.1–3) and ''Subpart B—Imported Plants and Plant Parts'' (§§ 301.10 and 301.11).

The remaining 18 subparts in the regulations each address a specific plant pest: ''Subpart C—Fruit Flies'' (§§ 301.32 through 301.32–10), ''Subpart D—Black Stem Rust'' (§§ 301.38 through 301.38–8), ''Subpart E—Gypsy Moth'' (§§ 301.45 through 301.45–12), ''Subpart F—Japanese Beetle (§§ 301.48 through 301.48–8), ''Subpart H—Asian Longhorned Beetle'' (§§ 301.51–1 through 301.51–9), ''Subpart I—Pink Bollworm'' (§§ 301.52 through 301.52–10), ''Subpart K—South American Cactus Moth (§§ 301.55 through 301.55–9), ''Subpart L—Plum Pox'' (§§ 301.74 through 301.74–5), ''Subpart M—Citrus Canker (§§ 301.75–1 through 301.75–17), ''Subpart N—Citrus Greening and Asian Citrus Psyllid'' (§§ 301.76 through 301.76–11), ''Subpart O—Witchweed'' (§§ 301.80 through 301.80–10), ''Subpart P—Imported Fire Ant'' (§§ 301.81 through 301.81–11), ''Subpart R—Golden Nematode'' (§§ 301.85 through 301.85–10), ''Subpart S—Pale Cyst Nematode (§§ 301.86 through 301.86–9), ''Subpart T—Sugarcane Diseases'' (§§ 301.87 through 301.87–10), ''Subpart U—Karnal Bunt'' (§§ 301.89–1 through 301.89–16), ''Subpart W—European Larch Canker (§§ 301.91 through 301.91–9), and ''Subpart X—*Phytophthora Ramorum* (§§ 301.92 through 301.92–12).'' [1]

While there are differences in structure and nomenclature among the various subparts, which we discuss later in this document, the subparts tend to share a basic regulatory approach in common: Certain areas of the United States are designated as quarantined [2] areas for a plant pest, certain articles that may present a risk of spread of the plant pest in question are designated as regulated articles, and conditions are placed on the interstate movement of regulated articles from quarantined areas.

With rare exceptions, the subparts list quarantined areas within the regulations themselves. Because these lists are contained in the regulations, APHIS must issue rules in order to update the lists. However, the rulemaking process sometimes has difficulty keeping pace with the expansion and contraction of quarantined areas for plant pests.

Accordingly, to ensure the domestic quarantine programs continue to serve the function for which they were established, APHIS issues Federal Orders in order to designate such areas. During periods of rapid spread of a plant pest, this can result in issuance of a significant number of Federal Orders. For example, in a single fiscal year (FY 2016), APHIS had to issue 16 Federal Orders designating additional quarantine areas for a single plant pest.

The subparts also list regulated articles in the regulations themselves. While the subparts do allow for immediate designation of an article as a

[1] Within part 301, subparts G, J, Q, and V are currently removed and reserved.

[2] Certain subparts refer to quarantined areas as ''regulated areas'' or ''infested areas.'' Since the term ''quarantined area'' is the most common in the regulations, and the terms all share a common meaning, we use ''quarantined area'' in this preamble as a general term of art inclusive of those other terms, and use the other terms only when context dictates they should be used.

regulated article based on an APHIS determination, usually by an inspector, that the particular article presents a risk of spread of the plant pest and following official notification to the owner of the particular article, these provisions are intended for immediate designation of specific articles, rather than as generally applicable mechanisms to designate additional regulated articles. Again, such generally applicable revisions to the regulations necessitate rulemaking, and, when rules cannot be issued in a sufficient expeditious manner, APHIS issues Federal Orders to serve the programs' needs.

While APHIS ultimately either rescinds Federal Orders or codifies them through rulemaking, in the intervening time period before such codification occurs, the regulations do not align with the actual lists of quarantined areas and regulated articles for various domestic quarantine programs for plant pests.

To address this issue, in this proposed rule, we are proposing to revise the regulations to establish processes wherein lists of quarantined areas and regulated articles would be moved from the regulations to websites maintained by APHIS' Plant Protection and Quarantine (PPQ) program unit for various plant pests. We would issue yearly notices in the **Federal Register** in order to communicate changes to the lists of quarantined areas and would issue notices as needed in order to make changes to the lists of regulated articles.

Below, we discuss the proposed process that we would use for communicating changes to quarantined areas. In the course of this discussion, we also address how we would account for suppressive and generally infested areas, which are used in certain subparts within the regulations as subsets of quarantined areas.

We discuss the process that we would use in order to make changes to the lists of regulated articles. In the course of this discussion, we discuss how we would account for sections in certain subparts that exempt articles that would otherwise be regulated from regulation regarding their interstate movement, if the articles are produced, processed, cleaned, or handled in a manner that addresses plant pest risk.

We proceed sequentially through the subparts in the regulations in order to discuss instances in which we deviate from these overarching approaches, as well as to discuss minor editorial revisions that we are making to some of the subparts in order to promote clarity and consistency.

Finally, we provide public notification that a number of Federal Orders would effectively be codified if we were to finalize this proposed rule.

Proposed Process for Quarantined Areas

As we mentioned earlier in this document, the subparts in the regulations generally list quarantined areas within the regulations themselves. There are, however, three subparts that do not do so: ''Subpart C—Fruit Flies,'' ''Subpart N—Citrus Greening and Asian Citrus Psyllid,'' and ''Subpart S—Pale Cyst Nematode.'' In these subparts, the criteria for designation of a quarantined area are listed in the regulations, but the actual description listing all the quarantined areas is not. Rather, the description is maintained on the internet at the PPQ website for the relevant plant pest, and is annotated to indicate the last time it was changed. When the quarantined areas for the program change, the description is updated and annotated, and APHIS publishes a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined area.

We are proposing to broaden the use of this approach from those three subparts to an overarching approach for part 301. In so doing, we would also make a slight revision to the content of the **Federal Register** notices required by the regulations. Whereas the regulations are currently written in a manner that makes the notices pest-specific, we would instead issue notices on a yearly basis informing the public of all revisions to quarantined areas that had occurred since the last notice was published.

Accordingly, under the proposed approach, whenever an area met criteria for designation as a quarantined area, APHIS would issue a Federal Order designating the area as such, and would update the list of quarantined areas for the relevant plant pest program, and annotate the list with the date of the update. Once a year, APHIS would issue a single notice in the **Federal Register** informing the public of all updates to the lists of quarantined areas that had occurred since the previous notice.

Because, under the proposed approach, lists of quarantined areas would no longer be found in the regulations, we are proposing to revise references to such lists throughout part 301.

Finally, in ''Subpart I—Pink Bollworm,'' ''Subpart O—Witchweed,'' and ''Subpart R—Golden Nematode,'' the regulations further divide quarantined areas into suppressive and generally infested areas. Suppressive areas are areas in which eradication of infestation is undertaken as an objective pursuant to the processes set forth in the subparts, while generally infested areas are any part of a quarantined area that is not a suppressive area.

Under our proposed framework, the lists of quarantined areas for the pink bollworm, witchweed, and golden nematode program that PPQ maintains on the internet would be annotated to indicate suppressive and generally infested areas therein. When a new quarantined area is added for these programs through issuance of a Federal Order, the Federal Order would indicate the generally infested and suppressive areas within the new quarantined area. APHIS would then update the relevant list, including any suppressive and generally infested areas, on the internet accordingly, and our yearly **Federal Register** notice would indicate this update. The **Federal Register** notice would also be used to indicate changes to the geographical boundaries of the suppressive areas or generally infested areas that had occurred since the last update (for example, if APHIS were to pursue eradication in a generally infested area, or to abandon eradication efforts in a suppressive area). Following issuance of the **Federal Register** notice, APHIS would archive Federal Orders covered by the **Federal Register** notice; this archiving would not impact the lists themselves but would ensure that web pages devoted to the Federal Orders issued for a particular program did not become unwieldy over time.

Proposed Process for Regulated Articles

As we mentioned previously, currently, the subparts in part 301 list regulated articles in the regulations themselves, and provide for immediate designation of a particular article as a regulated article upon an APHIS determination, usually by an inspector, that the article presents a risk of spreading a particular plant pest.

Under our proposed process, the lists of regulated articles for a particular subpart would be moved from the regulations to the relevant PPQ website for the plant pest in question. The regulations would state the criteria for designating additional regulated articles for the pest, which would be identical to the criteria currently stated in the regulations for immediate designation of an article. For example, the regulations currently allow an inspector to designate a specific article as a regulated article for witchweed, if he or she determined it to ''present a hazard of spread of witchweed.'' In our proposed rule, the regulations for witchweed would use these same criteria (''present a hazard of spread of witchweed'') as

the basis for designating additional classes of regulated articles.

If APHIS determines that the criteria for designation of a regulated article are met for a particular plant pest for which we have regulations in part 301, we would publish a notice in the **Federal Register** proposing to add the article to the list of regulated articles for that plant pest. The notice would also provide the basis for this determination, and would request public comment.[3]

If no comments are received on the notice, or if the comments do not change the Administrator or the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for that plant pest.

Because, under the proposed approach, lists of regulated articles would no longer be found in the regulations, we are proposing to revise references to such lists throughout part 301.

This change would apply to all subparts in part 301 except ''Subpart S—Pale Cyst Nematode.'' The pale cyst nematode program has determined that, for program-specific needs and ease of reference for stakeholders, it would be appropriate not to weblist regulated articles. We would continue to communicate any changes to the list of regulated articles for pale cyst nematode via the current rulemaking process.

Finally, ''Subpart O—Witchweed'' and ''Subpart R—Golden Nematode'' currently exempt articles that would otherwise be regulated from regulation regarding their interstate movement, if the articles are produced, processed, cleaned, or handled in a manner that addresses plant pest risk. The conditions under which a specific regulated article is exempted are listed in the regulations. Because we are proposing to move the lists of regulated articles from the regulations in part 301 to their respective PPQ web page, we are also proposing to remove the lists of exemptions from the regulations in these two subparts. Instead, the regulations would indicate that, for the witchweed and golden nematode programs, the list of regulated articles on their respective web page is annotated to indicate the conditions under which a particular regulated article is exempt from regulations.

Fruit Flies

In ''Subpart C—Fruit Flies'' (§§ 301.32 through 301.32–10), § 301.32–2 lists regulated articles. However, the manner in which it does so is unique within the regulations in part 301.

Paragraph (a) of that section contains a table of berries, fruits, nuts, and vegetables that are considered regulated articles for certain species of fruit flies unless the berries, fruits, nuts, or vegetables are canned, dried, or frozen below −17.8 °C (0 °F). We are proposing to move this table to the PPQ fruit fly web page.

Paragraph (b) of the section currently lists species in the family Cucurbitaceae, and states that plants of these listed species are regulated articles for melon fruit fly. We are moving the list of species from the regulations to the PPQ fruit fly web page. We are also proposing to clarify that the prohibition pertains to plants that are producing or have produced the species. We are proposing this clarification in order to indicate that a plant is still regulated, even if it no longer bears fruit. Finally, because paragraph (b) of this section would now contain our proposed notice-based process for designating new regulated articles for fruit flies, these provisions would be moved to paragraph (c).

Current paragraph (c) of the section provides that soil is a regulated article, if it is within the dripline of the plants listed in paragraph (b) of the section or plants that are producing or have produced any article listed in paragraph (a) of this section. Because the lists in paragraph (a) and paragraph (b) would both be moved to the PPQ fruit fly web page, we are proposing to revise paragraph (c) to indicate that soil is a regulated article if it is within the dripline of a plant list on that website and is annotated with an asterisk.

Black Stem Rust

''Subpart D—Black Stem Rust'' differs from the general structure of the other subparts in part 301. The subpart quarantines the entire conterminous United States, including the District of Columbia, for black stem rust. It designates States and portions of States as protected areas if they have eradicated rust-susceptible plants of the genera *Berberis, Mahoberberis,* and *Mahonia* under the cooperative Federal-State eradication program for black stem rust and have met other program requirements, and prohibits the interstate movement of all rust-susceptible *Berberis, Mahoberberis,* and *Mahonia* plants, seeds, fruits, and other plant parts capable of propagation, except *Mahonia* cuttings for decorative purposes into or through protected areas. Finally, it provides lists of species of *Berberis, Mahoberberis,* and *Mahonia* that the U.S. Department of Agriculture (USDA) has found to be rust-resistant, and allows the restricted interstate movement of such species into or through protected areas.

In our proposed rule, we are proposing to move the list of protected areas and the lists of rust-resistant species from the regulations to the PPQ black stem rust web page. We would update the list of protected areas using the same process described previously in this document for quarantined areas, and would update the list of rust-resistant species through the process described previously in this document for regulated articles.

Gypsy Moth

''Subpart E—Gypsy Moth'' refers to ''generally infested areas,'' rather than quarantined areas. However, operationally, Federal and State employees of the program have long referred to generally infested areas as ''quarantined areas,'' and this is the nomenclature most commonly used by regulated entities within the program. Accordingly, we are proposing to revise all uses of the term ''generally infested area'' in the subpart to ''quarantined area.'' This is, again, a change in nomenclature, and does not impact the contextual meaning of that term within the subpart.

Japanese Beetle

We elected not to include ''Subpart F—Japanese Beetle,'' within this proposed rule. The subpart regulates only airports within quarantined areas and designates only one regulated article, aircraft at or from regulated airports. Because of this unique regulatory structure, we do not consider the notice-based processes described in this document to be appropriate or necessary for this subpart.

Pink Bollworm

A 2018 Federal Order[4] (DA–2018–35) revised the criteria used within the program in order to designate an area as regulated for pink bollworm. We are proposing to incorporate these revised criteria within the regulations. We are also proposing to indicate that, as a result of that Federal Order, Florida is

[3] In instances in which there is an immediate or emergency need to designate a regulated article for a particular plant pest, such as when an article previously considered not to be a host for a particular pest is determined during an inspection to be infested with the pest, APHIS may designate the article as a regulated article through a Federal Order and update the relevant list of regulated articles accordingly. In such instances, as soon as it is feasible, APHIS would issue a notice in the **Federal Register** as discussed above.

[4] To view the Federal Order, go to *https://www.aphis.usda.gov/plant_health/plant_pest_info/cotton_pests/downloads/DA-2018-35.pdf.*

the only State under Federal quarantine for pink bollworm.

Witchweed

In ''Subpart O—Witchweed,'' paragraph (b) of § 301.80–3 governs the interstate movement of soil samples to laboratories for processing, testing, or analysis. Currently, footnote 4, which will be redesignated as footnote 2, lists an address from which pamphlets containing provisions for laboratory approval may be obtained. This information is outdated, and no such pamphlets currently exist. Instead, provisions for laboratory approval are obtained from a State's State Plant Health Director. We are proposing to update this information and include a web address for contact information.

The regulations in paragraph (b) also state that a list of approved laboratories is available in a supplemental regulation referenced in current footnote 5. This information is inaccurate, as PPQ no longer maintains a list of approved laboratories. We are proposing to remove the phrase ''and so listed by him in a supplemental regulation'' from paragraph (b), and remove the footnote.

Imported Fire Ant

Within ''Subpart P—Imported Fire Ant,'' paragraphs (a) through (c) of § 301.81–3 contain criteria for designating additional quarantined areas. We are proposing to consolidate these criteria into a single paragraph, and to make minor editorial revisions to improve clarity.

Currently footnote 3 of § 301.81–4 includes the same outdated information regarding provisions for laboratory approval for soil samples that is outlined in the discussion of witchweed above. We are proposing to update this information in the same manner as discussed above and redesignate footnote 3 as footnote 1.

Golden Nematode

Within ''Subpart R—Golden Nematode,'' current footnote 3 in § 301.85–3, which will be redesignated as footnote 2, contains the same outdated information regarding provisions for laboratory approval for soil samples that is outlined in the discussions of witchweed and imported fire ant above. We are proposing to update the information in the same manner as discussed above. Currently, footnote 4 contains the same inaccurate information regarding a list of approved laboratories that is outlined in the discussion of witchweed. We are proposing to remove this inaccurate information in this subpart as well by removing footnote 4.

Karnal Bunt

Similarly, within ''Subpart U—Karnal Bunt,'' the criteria for designating a regulated area are found in paragraphs (a) through (c) of § 301.89–3. We are proposing to consolidate these criteria into a single paragraph, and to make minor editorial revisions to improve clarity.

In the same section, we are updating a reference to an obsolete statutory authority to instead point to the parallel provision within the PPA.

Phytophthora Ramorum

''Subpart X—*Phytophthora Ramorum*'' (§§ 301.92 through 301.92–12) distinguishes between associated articles, regulated articles, and restricted articles, and places different restrictions on the movement of these articles from a quarantined area, depending on which category they fall into.

Associated articles are nursery stock of taxa associated with *P. ramorum,* but not proven to be hosts. Regulated articles are nursery stock and other plant products of taxa that are proven hosts for *P. ramorum.* Restricted articles are bark chips or mulch of proven host plant taxa or forest stock of proven host or associated plant taxa that are grown or located in a quarantined area.

Currently, proven host taxa are listed in § 301.92–2(d), associated plant taxa are listed in § 301.92–2(e), and quarantined areas are listed in § 301.92–3(a)(3). We are proposing to move these lists of associated plant taxa, proven host taxa, and quarantined areas to the PPQ *Phytophthora ramorum* web page.

Notification of Proposed Codification of Federal Orders

As we mentioned previously in this document, APHIS has often issued Federal Orders to update lists of quarantined areas and regulated articles for domestic plant pest programs. When this occurs, the relevant program updates the list of quarantined areas and regulated articles for their program at the following website: *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases.*

If this proposed rule is finalized, we would, in most instances, remove lists of quarantined areas and regulated articles from the regulations. Therefore, we need not use rulemaking to update the lists in order to codify outstanding Federal Orders. Additionally, the lists maintained on the internet at *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases,* which are up-to-date and reflect the issuance of the Federal Orders, would have regulatory force. Accordingly, this proposed rule would effectively codify those Federal Orders. The list of Federal Orders that would be codified in such a manner by this action can be found at: *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/docket-codified-federal-orders.*

Miscellaneous

Finally, we are making nonsubstantive changes to improve readability and conform with formatting requirements.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities.

APHIS proposes to remove from the regulations lists of areas and articles associated with various plant pests, and place the lists on the PPQ website. Specifically, the PPQ website (*http://www.aphis.usda.gov/planthealthinfo/index.shtml*) would house lists of quarantined, protected, suppressive, and generally infested areas; and lists of regulated articles, exempted articles, restricted articles, associated articles, and host articles. Changes to these lists would no longer require rulemaking. Rather, changes would be made using a notice-based regulatory process. This proposed weblisting process would only be for programs that are already listed in the regulations.

Potential cost savings are not quantified. The benefits of this proposed rule to our stakeholders would be timelier and more easily accessible notification of changing phytosanitary information. The cost savings to the Agency would come from a more simplified process (*i.e.,* using fewer resources) when taking emergency action to prevent the dissemination of plant pests and diseases. The notice-based approach would require less time and fewer steps than publishing a rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance

under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule: (1) Preempts all State and local laws and regulations that are inconsistent with this proposed rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this proposed rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are proposing to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.32–1 is amended by revising the definition of ''Regulated article'' to read as follows:

§ 301.32–1 Definitions.

* * * * *

Regulated article. Any article identified as a regulated article under § 301.32–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.32–2(b), or otherwise designated in accordance with § 301.32–2(c) or (d).

* * * * *

■ 3. Section 301.32.–2 is revised to read as follows:

§ 301.32–2 Regulated articles.

(a) *List of regulated articles.* Certain berries, fruits, nuts, and vegetables are regulated articles for one or more species of fruit fly unless the berries, fruits, nuts, or vegetables are canned, dried, or frozen below −17.8 °C (0 °F). The relevant commodity (both botanical name and common name), as well as the fruit fly species for which it is a regulated article, is found at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies/fruit-flies-home.*

(b) *Normal process for adding regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies/fruit-flies-home* presents a risk of spreading one or more species of fruit flies, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for the relevant species of fruit flies. The notice will provide the basis for this determination and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for the relevant species of fruit flies and listing it.

(c) *Soil and plants as regulated articles.* Soil is a regulated article if it is within the dripline of a regulated article that is listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies/fruit-flies-home* and that is annotated with an asterisk. Plants are regulated articles if they are producing or have produced species in the family Cucurbitaceae that are listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies/fruit-flies-home* as regulated articles for melon fruit fly.

(d) *Immediate designation of other regulated articles.* Any other product, article, or means of conveyance not listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies/fruit-flies-home* is a regulated article, if an inspector determines it presents a risk of spreading fruit flies, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.32–4 [Amended]

■ 4. Section 301.32–4, the introductory text is amended by redesignating footnote 2 as footnote 1.

■ 5. Section 301.32–5 is amended as follows:

■ a. In paragraph (a), by redesignating footnote 3 as footnote 1;

■ b. In paragraph (b), by redesignating footnote 4 as footnote 2; and

■ c. By revising newly redesignated footnote 2.

The revision reads as follows:

§ 301.32–5 Issuance and cancellation of certificates and limited permits.

* * * * *

[2] See footnote 1 of this section.

§ 301.32–6 [Amended]

■ 6. Section 301.32–6 is amended in paragraph (a) by redesignating footnote 5 as footnote 1.

■ 7. Section 301.32–7 is amended in paragraph (a) by redesignating footnote 6 as footnote 1, and revising newly redesignated footnote 1 to read as follows:

§ 301.32–7 Assembly and inspection of regulated articles.

* * * * *

[1] See footnote 1 to § 301.32–5(a).

■ 8. Section 301.38–1 is amended as follows:

■ a. In the definition of ''Certificate'', by removing the words ''of this subpart'';

■ b. By revising the definition of ''Protected area'';

■ c. By revising the definition of ''Regulated article'' and listing it alphabetically; and

■ d. In the definitions for ''Rust-resistant plants'' and ''Rust-susceptible plants'', by removing the words ''under § 301.38–2(a)(1) and (a)(2)'' and adding the words ''in accordance with § 301.38–2'' in their place.

The revisions read as follows:

§ 301.38–1 Definitions.

* * * * *

Protected area. Those States or counties designated in accordance with § 301.38–3.

Regulated article. Any article identified as a regulated article under § 301.38–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.38–2(c), or otherwise designated in accordance with § 301.38–2(d).

* * * * *

■ 9. Section 301.38–2 is revised to read as follows:

§ 301.38–2 Regulated articles.

(a) *Rust-resistant regulated articles.* The Administrator has determined that certain *Berberis* species and varieties are rust-resistant. A list of all such articles is located at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry.*

(b) *Berberis, Mahoberberis, and Mahonia.* All plants, seeds, fruits, and other plant parts capable of propagation from rust-susceptible species and varieties of the genera Berberis, Mahoberberis, and Mahonia, except Mahonia cuttings for decorative purposes, are regulated articles.

(c) *Process for adding rust-resistant regulated articles*—(1) *Normal process.* (i) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry* meets the definition of *rust-resistant plants* found in this subpart, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a rust-resistant regulated article for black stem rust. The notice will provide the basis for this determination, and will request public comment.

(ii) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a rust-resistant regulated article for black stem rust and listing it.

(2) *Requested process.* A person may request that an additional rust-resistant variety be added to the list at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry.* The person requesting that a rust-resistant variety be added to the list must provide APHIS with a description of the variety, including a written description and color pictures that can be used by an inspector to clearly identify the variety and distinguish it from other varieties. If APHIS determines the variety should be added to the list, APHIS will propose to add it to the list pursuant to paragraph (c)(1) of this section.

(d) *Immediate designation of regulated articles.* Any other product or article not listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry* is a regulated article if an inspector determines it presents a risk of spread of black stem rust. The inspector must notify the person in possession of the product or article that it is subject to the provisions of this subpart.

(Approved by the Office of Management and Budget under control number 0579–0186)

■ 10. Section 301.38–3 is amended as follows:

■ a. In paragraph (a), by removing the words ''in paragraph (d)'' and adding the words ''in accordance with paragraph (d)'' in their place;

■ b. In paragraph (c), by redesignating footnote 4 as footnote 1;

■ c. By revising paragraph (d); and

■ d. In paragraph (f), by removing the words ''in paragraph (d) of this section'' and adding ''at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry*'' in their place.

The revision reads as follows:

§ 301.38–3 Protected areas.

* * * * *

(d) The Administrator will publish a list of all protected areas on the Plant Protection and Quarantine (PPQ) website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry.* The list will include the date that the list was last updated. Lists of all protected areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of protected areas in accordance with this section, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the protected areas.

* * * * *

§ 301.38–4 [Amended]

■ 11. Section 301.38–4 is amended as follows:

■ a. In paragraphs (b)(1)(ii), (b)(2) introductory text, and (b)(2)(i), by removing the words ''of this subpart''; and

■ b. In paragraph (b)(2)(ii), by removing the words ''in § 301.38–2(a)(2) of this subpart'' and adding the words ''in accordance with § 301.38–2'' in their place.

§ 301.38–5 [Amended]

■ 12. Section 301.38–5 is amended in paragraph (a) by redesignating footnote 5 as footnote 1.

§ 301.38–6 [Amended]

■ 13. Section 301.38–6 is amended in paragraph (a) by redesignating footnote 6 as footnote 1.

■ 14. Section 301.38–8, is amended by redesignating footnote 4 as footnote 1 and revising newly redesignated footnote 1 to read as follows:

§ 301.38–8 Costs and charges.

* * * * *

[1] See footnote 1 in § 301.38–3.

Subpart E [Amended]

■ 15. Subpart E, consisting of §§ 301.45 through 301.45–12, is amended by removing the words ''generally infested'' wherever they occur, and adding the word ''quarantined'' in their place.

■ 16. Section 301.45 is amended by revising paragraph (a) to read as follows:

§ 301.45 Notice of quarantine; restrictions on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 411, 412, 414, 431, and 434 of the Plant Protection Act, (7 U.S.C. 7711, 7712, 7714, 7751, and 7754), the Secretary of Agriculture hereby establishes a quarantine within the United States to prevent the spread of the gypsy moth, *Lymantria dispar* (Linnaeus), a dangerous insect injurious to forests and shade trees and not widely prevalent or distributed throughout the United States, and establishes regulations governing the interstate movement of regulated articles and outdoor household articles from quarantined areas of the United States.

* * * * *

■ 17. Section 301.45–1 is amended as follows:

■ a. By removing the definition for ''Generally infested area'';

■ b. In the definition for ''Qualified certified applicator'', by removing the words ''of this part''; and

■ c. By adding, in alphabetical order, a definition for ''Quarantine area''.

The addition reads as follows:

§ 301.45–1 Definitions.

* * * * *

Quarantine area. Any State, or portion thereof, listed as a generally infested area in accordance with § 301.45–2 or temporarily designated as a generally infested area in accordance with § 301.45–2(c).

* * * * *

■ 18. Section 301.45–2 is amended as follows:

■ a. By revising paragraph (a);

■ b. In paragraph (c), by removing the words ''in § 301.45–3'' and adding the words ''at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/gypsy-moth/ct_gypsy_moth*'' in their place; and

■ c. In paragraph (d), by adding a sentence after the last sentence.

The revision and addition read as follows:

§ 301.45–2 Authorization to designate and terminate designation of quarantined areas.

(a) Except as provided in paragraphs (a)(1) and (2) of this section, the Administrator will designate as a quarantined area each State or each portion of a State in which a gypsy moth infestation has been found by an inspector, or each portion of a State which the Administrator deems necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Administrator will publish a list of all quarantined areas on the Plant Protection and Quarantine (PPQ) website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/gypsy-moth/ct_gypsy_moth.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Notwithstanding the above criteria, an area will not be listed as a quarantined area if the Administrator determines that:

(1) The area is subject to a gypsy moth eradication program conducted by the Federal Government or a State government in accordance with the Eradication, Suppression, and Slow the Spread alternative of the Final Environmental Impact Statement (FEIS) on Gypsy Moth Suppression and Eradication Projects that was filed with the United States Environmental Protection Agency on January 16, 1996; and

(2) State or Federal delimiting trapping surveys conducted in accordance with Section II, ''Survey Procedures—Gypsy Moth'' of the Gypsy Moth Treatment Manual show that the average number of gypsy moths caught per trap is less than 10 and that the trapping surveys show that the eradication program is effectively diminishing the gypsy moth population of the area.

* * * * *

(d) * * * APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred.

§ 301.45–3 [Removed and Reserved]

■ 19. Section 301.45–3 is removed and reserved.

§ 301.45–4 [Amended]

■ 20. Section 301.45–4 is amended in paragraph (a)(1) by redesignating footnote 3 as footnote 1.

§ 301.48–1 [Amended]

■ 21. Section 301.48–1 is amended in the definition of ''Regulated airport'' by removing the words ''of this subpart''.

■ 22. Section 301.51–1 is amended as follows:

■ a. In the definition for ''Quarantined area'', by removing the words ''in § 301.51–3(c) of this subpart'' and adding the words ''in accordance with § 301.51–2'' in their place, and removing the words ''of this subpart'' after the citation ''§ 301.51–3(b)''; and

■ b. By revising the definition for ''Regulated article''.

The revision reads as follows:

§ 301.51–1 Definitions.

* * * * *

Regulated article. Any article identified as a regulated article under § 301.51–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.51–2(b), or otherwise designated in accordance with § 301.51–2(c).

* * * * *

■ 23. Sections 301.51–2 and 301.51–3 are revised to read as follows:

§ 301.51–2 Regulated articles.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spreading Asian longhorned beetle. A list of all such articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/asian-longhorned-beetle/asian-longhorned-beetle.* Lists of all regulated articles may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/asian-longhorned-beetle/asian-longhorned-beetle* presents a risk of spreading Asian longhorned beetle, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for Asian longhorned beetle. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for Asian longhorned beetle and listing it.

(c) *Immediate designation of regulated articles.* Any other article, product, or means of conveyance not already listed in accordance with paragraph (a) of this section may be designated a regulated article on an immediate basis if an inspector determines that it presents a risk of spreading Asian longhorned beetle and notifies the person in possession of the article, product, or means of conveyance that it is now subject to the restrictions of this subpart.

§ 301.51–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area each State or portion of a State in which the Asian longhorned beetle is present, in which the Administrator has reason to believe that the Asian longhorned beetle is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where the Asian longhorned beetle has been found. The Administrator will publish a list of all quarantined areas (the quarantine list) on the Plant Protection and Quarantine (PPQ) website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/asian-longhorned-beetle/asian-longhorned-beetle.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a quarantined area will be adequate to prevent the artificial

interstate spread of the Asian longhorned beetle.

(b) The Administrator may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give written notice of this designation to owner or person in possession of the nonquarantined area, or in the case of publicly owned land, to the person responsible for the management of nonquarantined area. Thereafter, the interstate movement of any regulated articles from an area temporarily designated as quarantined area is subject to this subpart. As soon as practicable, this area will either be added to the quarantine list or the Administrator will terminate the designation. The owner or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation has terminated will be given written notice of the termination as soon as practicable.

§ 301.51–6 [Amended]

■ 24. Section 301.51–6 is amended in paragraph (a) by redesignating footnote 3 as footnote 1.

§ 301.51–7 [Amended]

■ 25. Section 301.51–7 is amended in paragraph (a) by redesignating footnote 4 as footnote 1.

■ 26. Section 301.52 is revised to read as follows:

§ 301.52 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* The following States are quarantined to prevent the spread of the pink bollworm (*Pectinophora gossypiella* (Saund.)): Florida.

(b) *List of regulated articles.* The Deputy Administrator has determined that certain articles present a risk of spreading pink bollworm. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/cotton-pests/cotton-pests.* Lists of all regulated articles may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(c) *Normal process for designating additional regulated articles.* (1) If the Deputy Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/cotton-pests/cotton-pests* presents a risk of spreading pink bollworm, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for pink bollworm. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for pink bollworm and listing it.

(d) *Immediate designation of regulated articles.* An inspector may designate any other product, article, or means of conveyance as a regulated article for pink bollworm, if the inspector determines that it presents a risk of spreading pink bollworm, and after the inspector provides actual notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

■ 27. Section 301.52–1 is amended by revising the definitions of ''Regulated area'', ''Regulated articles'', and ''Suppressive area'' to read as follows:

§ 301.52–1 Definitions.

* * * * *

Regulated area. Any quarantined State, territory, or district, or any portion thereof, listed in accordance with § 301.52–2.

Regulated articles. Any article identified as a regulated article under § 301.52 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.52(c), or otherwise designated in accordance with § 301.52(d).

* * * * *

Suppressive area. That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Deputy Administrator in accordance with § 301.52–2.

■ 28. Section 301.52–2 is revised to read as follows:

§ 301.52–2 Authorization for the Deputy Administrator to list regulated areas and suppressive or generally infested areas.

(a) The Deputy Administrator will list as a regulated area each State or portion of a State in which evidence of a reproducing population of pink bollworm is present, or in which there is reason to believe that pink bollworm is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions of these terms in § 301.52–1. The Deputy Administrator will publish a list of all regulated areas, including the suppressive and generally infested areas therein, at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/cotton-pests/cotton-pests.* The list will include the date that the list was last updated. Lists of all regulated areas, including the suppressive and generally infested areas therein, may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the regulated areas. Less than an entire State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a regulated area will be adequate to prevent the artificial interstate spread of pink bollworm.

(b) [Reserved]

§ 301.52–2a [Removed and Reserved]

■ 29. Section 301.52–2a is removed and reserved.

§ 301.52–3 [Amended]

■ 30. Section 301.52–3 is amended in the section heading by redesignating footnote 2 as footnote 1.

■ 31. Section 301.55–1 is amended as follows:

■ a. In the definition for ''Quarantined area'', by removing the words ''listed in 301.55–3(c)'' and adding the words ''listed in accordance with § 301.55–3(a)'' in their place; and

■ b. By revising the definition for ''Regulated article''.

The revision reads as follows:

§ 301.55–1 Definitions.

* * * * *

Regulated article. Any article identified as a regulated article under § 301.55–2 as follows: listed as of

[EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.55–2(b), or otherwise designated in accordance with § 301.55–2(c).

* * * * *

■ 32. Sections 301.55–2 and 301.55–3 are revised to read as follows:

§ 301.55–2 Regulated articles.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spreading the South American cactus moth. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/sa_insects/south-american-cactus-moth.* Lists of all regulated articles may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/sa_insects/south-american-cactus-moth* presents a risk of spreading South American cactus moth, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for South American cactus moth. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for South African cactus moth and listing it.

(c) *Immediate designation of regulated articles.* An inspector may designate any other product, article, or means of conveyance not listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/sa_insects/south-american-cactus-moth* as a regulated article if the inspector determines it presents a risk of spreading the South American cactus moth, after the inspector provides written notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.55–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area each State, or each portion of a State, in which the South American cactus moth has been found by an inspector, in which the Administrator has reason to believe that the South American cactus moth is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities where South American cactus moth has been found. The Administrator will publish a list of all quarantined areas (the quarantine list) on the Plant Protection and Quarantine (PPQ) website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/sa_insects/south-american-cactus-moth.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will be adequate to prevent the interstate spread of the South American cactus moth.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give a copy of this regulation along with written notice of the temporary designation to the owner or person in possession of the nonquarantined area, or, in the case of publicly owned land, to the person responsible for the management of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, the area will be added to the quarantine list or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which designation is terminated will be given written notice of the termination as soon as practicable.

§ 301.55–4 [Amended]

■ 33. Section 301.55–4 is amended in the introductory text by redesignating footnote 3 as footnote 1.

§ 301.55–5 [Amended]

■ 34. Section 301.55–5 is amended in paragraph (a) by redesignating footnote 4 as footnote 1.

§ 301.55–6 [Amended]

■ 35. Section 301.55–6 is amended by redesignating footnote 5 as footnote 1.

■ 36. Section 301.55–7 is amended in paragraph (a) by redesignating footnote 6 as footnote 1 and revising newly designated footnote 1 to read as follows:

§ 301.55–7 Assembly and inspection of regulated articles.

* * * * *

[1] See footnote 1 in § 301.55–5.

■ 37. Section 301.74–1 is amended as follows:

■ a. In the definition for ''Departmental permit'', by removing the words ''of this subpart'':

■ b. By revising the definition for ''Quarantined area''; and

■ c. By revising the definition for ''Regulated article''.

The revisions read as follows:

§ 301.74–1 Definitions.

* * * * *

Quarantined area. Any State, or any portion of a State, listed in accordance with § 301.74–3(a) or otherwise designated as a quarantined area in accordance with § 301.74–3(b).

Regulated article. Any article identified as a regulated article under § 301.74–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.74–2(a)(1)–(2), or otherwise designated in accordance with § 301.74–2(b), based on its susceptibility to the form or strain of plum pox detected in the quarantined area.

* * * * *

■ 38. Sections 301.74–2 and 301.74–3 are revised to read as follows:

§ 301.74–2 Regulated articles.

(a) The Administrator has determined that certain articles present a risk of spreading plum pox. A list of all such articles is found on the internet at

www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plum-pox/plumpox. Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plum-pox/plumpox* presents a risk of spreading plum pox, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for plum pox. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for plum pox and listing it.

(b) An inspector may designate any other product or article as a regulated article, if the inspector determines it to present a risk of spreading plum pox, and after the inspector notifies the person in possession of the product or article that it is subject to the restrictions in the regulations.

§ 301.74–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area each State, or each portion of a State, in which plum pox has been detected through inspection and laboratory testing, or in which the Administrator has reason to believe that plum pox is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which plum pox has been detected. The Administrator will publish a list of all quarantined areas (the quarantine list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plum-pox/plumpox.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a quarantined area will be adequate to prevent the interstate spread of plum pox.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the quarantine list or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which the quarantine designation is terminated will be given notice of the termination as soon as practicable.

§ 301.74–4 [Amended]

■ 39. Section 301.74–4 is amended in the introductory text by redesignating footnote 2 as footnote 1.

■ 40. Section 301.75–1 is amended as follows:

■ a. In the definitions for ''Commercial citrus-producing area'' and ''Quarantined area'', by removing the words ''of this subpart''; and

■ b. By revising the definition for ''Regulated article''.

The revision reads as follows:

§ 301.75–1 Definitions.

* * * * *

Regulated article. Any article identified as a regulated article under § 301.75–3 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.75–3(b), or otherwise designated in accordance with § 301.75–3(c).

* * * * *

■ 41. Sections 301.75–3 and 301.75–4 are revised to read as follows:

§ 301.75–3 Regulated articles.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spread of citrus canker. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-canker.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-canker* presents a risk of spread of citrus canker, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for citrus canker. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for citrus canker and listing it.

(c) *Immediate designation of regulated articles.* An inspector may designate any other product, article, or means of conveyance as a regulated article, if the inspector determines that it presents a risk of spread of citrus canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the provisions of this subpart.

§ 301.75–4 Quarantined areas.

(a) *Quarantined areas.* The Administrator will list as a quarantined area each State or portion of a State in which an infestation of citrus canker is found. The Administrator will publish a list of all quarantined areas (the quarantine list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-canker.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS

will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) *Survey.* No area has been designated a survey area.

(2) *Intrastate movement of regulated articles.* The State enforces restrictions on the intrastate movement of regulated articles from the quarantined area that are at least as stringent as those on the interstate movement of regulated articles from the quarantined area, except as follows:

(i) Regulated fruit may be moved intrastate from a quarantined area for processing into a product other than fresh fruit if all of the following conditions are met:

(A) The regulated fruit is accompanied by a document that states the location of the grove in which the regulated fruit was produced, the variety and quantity of regulated fruit being moved intrastate, the address to which the regulated fruit will be delivered for processing, and the date the intrastate movement began,

(B) The regulated fruit and any leaves and litter are completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement,

(C) The vehicles, covers, and any containers used to carry the regulated fruit intrastate are treated in accordance with part 305 of this chapter before leaving the premises where the regulated fruit is unloaded for processing, and

(D) All leaves, litter, and culls collected from the shipment of regulated fruit at the processing facility are either incinerated at the processing facility or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs.

(ii) Regulated fruit may be moved intrastate from a quarantined area for packing, either for subsequent interstate movement with a limited permit or for export from the United States, if all of the following conditions are met:

(A) The regulated fruit is accompanied by a document that states the location of the grove in which the regulated fruit was produced, the variety and quantity of regulated fruit being moved intrastate, the address to which the regulated fruit will be delivered for packing, and the date the intrastate movement began,

(B) The regulated fruit and any leaves and litter are completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement,

(C) The vehicles, covers, and any containers used to carry the regulated fruit intrastate are treated in accordance with part 305 of this chapter before leaving the premises where the regulated fruit is unloaded for packing,

(D) Any equipment that comes in contact with the regulated fruit at the packing plant is treated in accordance with part 305 of this chapter before being used to handle any fruit eligible for interstate movement to commercial citrus-producing areas, and

(E) All leaves and litter collected from the shipment of regulated fruit at the packing plant are either incinerated at the packing plant or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs. All culls collected from the shipment of regulated fruit are either processed into a product other than fresh fruit, incinerated at the packing plant, or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs. Any culls moved intrastate for processing must be completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement, and the vehicles, covers, and any containers used to carry the regulated fruit must be treated in accordance with part 305 of this chapter before leaving the premises where the regulated fruit is unloaded for processing.

(iii) Grass, tree, and plant clippings may be moved intrastate from the quarantined area for disposal in a public landfill or for composting in a recycling facility, if all of the following conditions are met:

(A) The public landfill or recycling facility is located within the survey area described in paragraph (d)(1) of this section,

(B) The grass, tree, or plant clippings are completely covered during the movement from the quarantined area to the public landfill or recycling facility, and

(C) Any public landfill used is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs.

(3) *Inspections.* (i) In the quarantined area, every regulated plant and regulated tree, except indoor houseplants and regulated plants and regulated trees at nurseries, is inspected for citrus canker at least once a year, between May 1 through December 31, by an inspector.

(ii) In the quarantined area, every regulated plant and regulated tree at every nursery containing regulated plants or regulated trees is inspected for citrus canker by an inspector at intervals of no more than 45 days.

(4) *Treatment of personnel, vehicles, and equipment.* In the quarantined area, all vehicles, equipment, and other articles used in providing inspection, maintenance, harvesting, or related services in any grove containing regulated plants or regulated trees, or in providing landscaping or lawn care services on any premises containing regulated plants or regulated trees, must be treated in accordance with part 305 of this chapter upon leaving the grove or premises. All personnel who enter the grove or premises to provide these services must be treated in accordance with part 305 of this chapter upon leaving the grove or premises.

(5) *Destruction of infected plants and trees.* No more than 7 days after a State or Federal laboratory confirms that a regulated plant or regulated tree is infected, the State must provide written notice to the owner of the infected plant or infected tree that the infected plant or infected tree must be destroyed. The owner must have the infected plant or infected tree destroyed within 45 days after receiving the written notice.

(b) *Designation change.* The Administrator may designate any non-quarantined area as a quarantined area in accordance with paragraph (a) of this section upon giving written notice of this designation to the owner or persons in possession of the non-quarantined area. Thereafter, regulated articles may be moved interstate from that area only in accordance with this subpart. As soon as practicable, this area will be added to the quarantine list, or the Administrator will terminate the designation. The owner or person in possession of an area for which designation is terminated will be given written notice as soon as practicable.

(c) *Removal of areas from quarantine.* An area on the quarantine list will be removed from quarantine if the area has been without infestation for 2 years. The list will be changed, and the public informed of this change, in accordance with the process specified in paragraph (a) of this section.

§ 301.75–8 [Amended]

■ 42. Section 301.75–8 is amended in paragraph (c) by removing the words ''of this subpart''.

§ 301.75–10 [Amended]

■ 43. Section 301.75–10 is amended in paragraph (b) by removing the words ''of this subpart''.

■ 44. Section 301.76–1 is amended by revising the definition for ''Regulated article'' to read as follows:

§ 301.76–1 Definitions.

* * * * *

Regulated article. Any article identified as a regulated article under § 301.76–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.76–2(b), or otherwise designated in accordance with § 301.76–2(c).

* * * * *

■ 45. Section 301.76–2 is revised to read as follows:

§ 301.76–2 Regulated articles for Asian citrus psyllid and citrus greening.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spreading Asian citrus psyllid and/or citrus greening. A list of all such regulated articles is located at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/acp* and *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-greening,* respectively. The list indicates whether the article is a regulated article for both citrus greening and Asian citrus psyllid, or just one of these two pests. Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/acp* and/or *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-greening* presents a risk of spreading Asian citrus psyllid and/or citrus greening, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for either or both of these pests. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article and listing it.

(c) *Immediate designation of regulated articles.* An inspector may designate any other product, article, or means of conveyance as a regulated article for Asian citrus psyllid and/or citrus greening, if the inspector determines that it presents a risk of spreading these pests, and after the inspector provides written notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

(d) *Exemption after certain methods of processing.* The Administrator may determine that certain methods of processing render regulated articles such that they no longer present a risk of spreading Asian citrus psyllid or citrus greening. Such methods are found at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus.* Articles processed in such a manner are exempt from the regulations in this subpart.

§ 301.76–5 [Amended]

■ 46. Section 301.76–5 is amended as follows:

■ a. In paragraph (a)(1), by redesignating footnote 2 as footnote 1; and

■ b. In paragraph (e), by removing the words ''of this subpart''.

§ 301.76–6 [Amended]

■ 47. Section 301.76–6 is amended as follows:

■ a. In paragraph (a)(1), by removing ''7 CFR'' and redesignating footnote 3 as footnote 1;

■ b. In paragraph (b)(1), by redesignating footnote 4 as footnote 2;

■ c. In paragraph (c)(2)(i), by removing the citation ''paragraphs (c)(1)(i) through (c)(1)(iv)'' and adding the citation ''paragraphs (c)(1)(i) through (iv)'' in its place;

■ d. In paragraph (d) introductory text, by redesignating footnote 5 as footnote 3; and

■ e. In paragraphs (d)(1) and (2), by removing ''7 CFR''.

§ 301.76–7 [Amended]

■ 48. Section 301.76–7 is amended as follows:

■ a. In paragraph (a)(1), by redesignating footnote 6 as footnote 1; and

■ b. In paragraph (b)(1), by removing ''7 CFR''.

§ 301.76–8 [Amended]

■ 49. Section 301.76–8 is amended in paragraph (a) by redesignating footnote 7 as footnote 1.

§ 301.76–9 [Amended]

■ 50. Section 301.76–9 is amended by redesignating footnote 8 as footnote 1.

■ 51. Section 301.80 is revised to read as follows:

§ 301.80 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), the Secretary of Agriculture quarantines the States of North Carolina and South Carolina in order to prevent the spread of witchweed (*Striga* spp.), a parasitic plant that causes a dangerous disease of corn, sorghum, and other crops of the grass family and is not widely prevalent or distributed within and throughout the United States. Through the aforementioned authorities, the Secretary imposes a quarantine on the States of North Carolina and South Carolina with respect to the interstate movement from those States of regulated articles, issues regulations in this subpart governing the movement of such articles, and gives notice of this quarantine action.

(b) *Quarantine restrictions on the interstate movement of regulated articles.* No common carrier or other person shall move interstate from any quarantined State any regulated articles, except in accordance with the conditions prescribed in this subpart.

(c) *List of regulated articles.* The Deputy Administrator has determined that certain articles present a hazard of spread of witchweed. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/SA_Weeds/SA_Noxious_Weeds_Program.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(d) *Normal process for designating additional regulated articles.* (1) If the Deputy Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/SA_Weeds/SA_Noxious_Weeds_Program* presents a hazard of spread of witchweed, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for witchweed. The notice will

provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for witchweed and listing it.

(e) *Immediate designation of regulated articles.* An inspector may designate any other article, product, or means of conveyance as a regulated article, if the inspector determines that it presents a hazard of spread of witchweed, and after the person in possession of the article has been so notified.

■ 52. Section 301.80–1 is amended by revising the definitions for ''Regulated area'', ''Regulated articles'', and ''Suppressive area'' to read as follows:

§ 301.80–1 Definitions.

* * * * *

Regulated area. Any quarantined State, or any portion thereof, designated as a regulated area in accordance with § 301.80–2.

Regulated articles. Any article identified as a regulated article under § 301.80 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.80(d), or otherwise designated in accordance with § 301.80(e).

* * * * *

Suppressive area. That portion of a regulated area where eradication of infestation is undertaken as an objective.

* * * * *

■ 53. Section 301.80–2 is revised to read as follows:

§ 301.80–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) *List of regulated areas and suppressive or generally infested areas.* The Deputy Administrator will list as a regulated area each quarantined State, or portion of a State, in which witchweed has been found or in which there is reason to believe that witchweed is present or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator may divide any regulated area into a suppressive area and generally infested area in accordance with definitions of these terms in § 301.80–1. The Deputy Administrator will publish a list of all regulated areas (the regulated areas list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/SA_Weeds/SA_Noxious_Weeds_Program.* The list will include the date that the list was last updated. Lists of all regulated areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the regulated areas. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and may designate the regulated area or portions thereof as a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for designating such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the regulated areas list.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area designated as a regulated area, or a suppressive or a generally infested area within a regulated area, when the Deputy Administrator determines that such designation is no longer required under the criteria specified in paragraph (a) of this section. Notification of this change in the list of regulated areas, or suppressive or generally infested areas within a regulated area, will be made in accordance with the process set forth in paragraph (a) of this section. The Deputy Administrator or an inspector shall terminate the designation provided for under paragraph (b) of this section of any premises designated as a regulated area or a suppressive or a generally infested area when the Deputy Administrator determines that such designation is no longer required under the criteria specified in paragraph (a) of this section, and notice thereof shall be given to the owner or person in possession of the premises.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may determine that a regulated article has been produced, processed, cleaned, or otherwise handled in a manner that is sufficient to allow the article to move interstate without hazard of spread of witchweed, provided that the article is not exposed to infestation after production, processing, cleaning, or other handling. The Deputy Administrator may also determine that a regulated article's intended use is such that it may be moved interstate without hazard of spread of witchweed. Such articles are exempt from the restrictions of this subpart. The list of regulated articles at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/SA_Weeds/SA_Noxious_Weeds_Program* is annotated to indicate these exemptions.

§ 301.80–2a [Removed and Reserved]

■ 54. Section 301.80–2a is removed and reserved.

§ 301.80–2b [Removed and Reserved]

■ 55. Section 301.80–2b is removed and reserved.

■ 56. Section 301.80–3 is amended as follows:

■ a. In the section heading, by redesignating footnote 3 as footnote 1;

■ b. In paragraph (a)(2)(i), by removing the words ''§ 301.80–2b which exempts'' and adding the words ''§ 301.80–2 which exempt'' in their place;

■ c. In paragraph (a)(3)(ii)(A), by removing the citation ''§ 301.80–2b'' and adding the citation ''§ 301.80–2'' in its place; and

■ d. In paragraph (b), by removing the words ''and so listed by him in a supplemental regulation'' in the first sentence, redesignating footnote 4 as footnote 2, revising newly designated footnote 2, and removing footnote 5.

The revision reads as follows:

§ 301.80–3 Conditions governing the interstate movement of regulated articles from quarantined States.[1]

* * * * *

[1] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[2] Provisions for laboratory approval may be obtained from your State's State Plant Health Director. Contact information can be found at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/CT_SPHD.*

■ 57. Sections 301.81–2 and 301.81–3 are revised to read as follows:

§ 301.81–2 Regulated articles.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spread of the imported fire ant. A list of all such articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/imported-fire-ants/ct_imported_fire_ants.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/imported-fire-ants/ct_imported_fire_ants* presents a risk of spread of the imported fire ant, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for imported fire ant. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for the imported fire ant and listing it.

(c) *Immediate designation of regulated articles.* An inspector may designate any other article or means of conveyance as a regulated article if the inspector determines that it presents a risk of spread of the imported fire ant due to its proximity to an infestation of the imported fire ant, and after the inspector provides notification to the person in possession of the article or means of conveyance that it is now regulated under this subpart.

§ 301.81–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area each State or portion of a State determined to be infested with the imported fire ant. The Administrator will also list as a quarantined area an area that is uninfested but determined to be in proximity to an infestation or that is determined to be inseparable from an infested locality for quarantine purposes; such a determination will be based on projections of spread of imported fire ant around the periphery of the infestation, as determined by previous years' surveys; availability of natural habitats and host materials, within the uninfested acreage, suitable for establishment and survival of imported fire ant populations; and the necessity of including uninfested acreage within the quarantined area in order to establish readily identifiable boundaries. The Administrator will publish a list of all quarantined areas (the quarantine list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/imported-fire-ants/ct_imported_fire_ants.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to the interstate movement restrictions imposed by this subpart; and

(2) Designating less than the entire State as a quarantined area will prevent the spread of the imported fire ant.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area, or, in the case of publicly owned land, to the person responsible for the management of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area either will be added to the quarantine list, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

■ 58. Section 301.81–4 is amended as follows:

■ a. In paragraph (a)(1), by removing the words ''of this subpart''; and

■ b. In paragraph (a)(3), by redesignating footnote 3 as footnote 1 and revising newly redesignated footnote 1.

The revision reads as follows:

§ 301.81–4 Interstate movement of regulated articles from quarantined areas.

* * * * *

[1] Provisions for laboratory approval may be obtained from your State's State Plant Health Director. Contact information can be found at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/CT_SPHD.*

§ 301.81–5 [Amended]

■ 59. Section 301.81–5 is amended as follows:

■ a. In paragraph (a) introductory text, by redesignating footnote 4 as footnote 1;

■ b. In paragraph (a)(2), by redesignating footnote 5 as footnote 2; and

■ c. In paragraph (c), by removing the words ''of this subpart'' in the first sentence.

§ 301.81–6 [Amended]

■ 60. Section 301.81–6 is amended by redesignating footnote 6 as footnote 1.

■ 61. Section 301.81–8 is amended in paragraph (a) by redesignating footnote 7 as footnote 1 and revising newly redesignated footnote 1 as follows:

§ 301.81–8 Assembly and inspection of regulated articles.

* * * * *

[1] See footnote 1 of § 301.81–5(a).

■ 62. Section 301.85 is revised to read as follows:

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), the Secretary of Agriculture quarantines the State of New York in order to prevent the spread of the golden nematode

(*Globodera rostochiensis*), which causes a dangerous disease of potatoes and certain other plants and is not widely prevalent or distributed within and throughout the United States. Through the aforementioned authorities, the Secretary imposes a quarantine on the State of New York with respect to the interstate movement from that State of regulated articles, issues regulations in this subpart governing the movement of such articles, and gives notice of this quarantine action.

(b) *Quarantine restrictions on the interstate movement of regulated articles.* No common carrier or other person shall move interstate from any quarantined State any regulated articles, except in accordance with the conditions prescribed in this subpart.

(c) *List of regulated articles.* The Deputy Administrator has determined that certain articles present a hazard of spread of golden nematodes. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/golden-nematode/nematodes.* Lists of all regulated articles may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(d) *Normal process for designating additional regulated articles.* (1) If the Deputy Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/golden-nematode/nematodes* presents a hazard of spread of golden nematodes, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for golden nematode. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for golden nematode and listing it.

(e) *Immediate designation of regulated articles.* An inspector may designate any other article, product, or means of conveyance as a regulated article, if the inspector determines that it presents a hazard of spread of golden nematodes, and after the person in possession of the article has been so notified.

■ 63. Section 301.85–1 is amended by revising the definitions for ''Generally infested area'', ''Regulated area'', ''Regulated article'', and ''Suppressive area'' as follows:

§ 301.85–1 Definitions.

* * * * *

Generally infested area. Any part of a regulated area not designated as a suppressive area.

* * * * *

Regulated area. Any quarantined State, or any portion thereof, listed as a regulated area in accordance with § 301.85–2.

Regulated article. Any article identified as a regulated article under § 301.85 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.85(d), or otherwise designated in accordance with § 301.85(e).

* * * * *

Suppressive area. That portion of a regulated area where eradication of infestation is undertaken as an objective.

■ 64. Section 301.85–2 is revised to read as follows:

§ 301.85–2 Authorization for the Deputy Administrator to list regulated areas and suppressive or generally infested areas.

(a) *Criteria for designation and process for listing.* The Deputy Administrator will list as a regulated area each State or portion of a State in which golden nematode has been determined to be found or in which there is reason to believe that golden nematode is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions of these terms in § 301.85–1. The Deputy Administrator will publish a list of all regulated areas, including the suppressive and generally infested areas therein, at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/golden-nematode/nematodes.* The list will include the date that the list was last updated. Lists of all regulated areas, including the suppressive and generally infested areas therein, may also be obtained by request from any local Plant Protection and Quarantine office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the regulated areas. Less than an entire State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a regulated area will be adequate to prevent the interstate spread of golden nematodes.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list of regulated areas if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector and notice thereof shall be given to the owner or person in possession of the premises.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated area and suppressive or generally infested area when he or she determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may determine that a regulated article has been produced, processed, cleaned, or otherwise handled in a manner that is sufficient to allow the article to move interstate without hazard of spread of golden nematodes, provided that the article is not exposed to infestation after production, processing, cleaning, or other handling. The Deputy

Administrator may also determine that a regulated article's intended use is such that it may be moved interstate without hazard of spread of golden nematodes. Such articles are exempt from the restrictions of this subpart. The list of regulated articles at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/golden-nematode/nematodes* is annotated to indicate these exemptions.

§ 301.85–2a [Removed and Reserved]

■ 65. Section 301.85–2a is removed and reserved.

§ 301.85–2b [Removed and Reserved]

■ 66. Section 301.85–2b is removed and reserved.

■ 67. Section 301.85–3 is amended as follows:

■ a. In the section heading, by redesignating footnote 2 as footnote 1;

■ b. In paragraph (a)(2)(i), by removing the citation ''§ 301.85–2b'' and adding the citation ''§ 301.85–2(d)'' in its place;

■ c. By revising paragraph (a)(3)(ii); and

■ d. In paragraph (b), by removing the words ''and so listed by him in a supplemental regulation'' in the first sentence, redesignating footnote 3 as footnote 2, revising newly redesignated footnote 2, and removing footnote 4;

The revisions read as follows:

§ 301.85–3 Conditions governing the interstate movement of regulated articles from quarantined States.[1]

(a) * * *

(3) * * *

(ii) Without a certificate or permit, if:

(A) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.85–2(d); or

(B) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

* * * * *

[1] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[2] Provisions for laboratory approval may be obtained from your State's State Plant Health Director. Contact information can be found at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/CT_SPHD.*

§ 301.86–2 [Amended]

■ 68. Section 301.86–2 is amended in paragraph (a) by redesignating footnote 2 as footnote 1.

■ 69. Section 301.86–5 is amended as follows:

■ a. In paragraph (a), by redesignating footnote 3 as footnote 1;

■ b. In paragraph (a)(1), by redesignating footnote 4 as footnote 2; and

■ c. In paragraph (b)(1), by redesignating footnote 5 as footnote 3 and revising newly redesignated footnote 3.

The revision reads as follows:

§ 301.86–5 Issuance and cancellation of certificates and limited permits.

* * * * *

[3] See footnote 1 of this section.

§ 301.86–6 [Amended]

■ 70. Section 301.86–6 is amended in paragraph (a) by redesignating footnote 6 as footnote 1.

■ 71. Section 301.86–7 is amended in paragraph (a) by redesignating footnote 7 as footnote 1 and revising newly redesignated footnote 1 to read as follows:

§ 301.86–7 Assembly and inspection of regulated articles.

* * * * *

[1] See footnote 1 in § 301.86–5.

■ 72. Section 301.87 is amended by revising paragraph (a) to read as follows:

§ 301.87 Quarantine; restrictions on interstate movement of specified articles.[1 2]

(a) *Notice of quarantine.* Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), the Secretary of Agriculture establishes quarantines within the United States to prevent the artificial spread of leaf scald disease and gummosis disease. The regulations in this subpart govern the interstate movement from regulated areas of regulated articles.

* * * * *

[1] Any inspector is authorized to stop and inspect persons and means of conveyance, and to hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

[2] Regulations concerning the movement of gummosis bacteria and leaf scald bacteria in commerce are contained in part 330 of this chapter.

■ 73. Section 301.87–1 is amended as follows:

■ a. In the definitions for ''Certificate'' and ''Limited permit'', by removing the words ''of this subpart''; and

■ b. By revising the definitions for ''Regulated area'' and ''Regulated article''.

The revisions read as follows:

§ 301.87–1 Definitions.

* * * * *

Regulated area. Any quarantined State, or any portion thereof, listed as a regulated area in accordance with § 301.87–3, or otherwise designated as a regulated area in accordance with § 301.87–3(b).

Regulated article. Any article identified as a regulated article under § 301.87–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.87–2(b), or otherwise designated in accordance with § 301.87–2(c).

* * * * *

■ 74. Sections 301.87–2 and 301.87–3 are revised to read as follows:

§ 301.87–2 Regulated articles.

(a) *List of regulated articles.* The Deputy Administrator has determined that certain articles present a risk of spread of sugarcane diseases. A list of all such articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/sugarcane.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Deputy Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/sugarcane* presents a risk of spread of sugarcane diseases, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for sugarcane diseases. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for sugarcane diseases and listing it.

(c) *Immediate designation of regulated articles.* Any other article, product, or means of conveyance not already listed in accordance with paragraph (a) of this section may be designated a regulated article on an immediate basis if an inspector determines that it presents a risk of spread of sugarcane diseases and provides actual notification to the person in possession of the article, product, or means of conveyance that it is now subject to the restrictions of this subpart.

§ 301.87–3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator will list as a regulated area each State or portion of a State in which a sugarcane disease has been found by an inspector, or in which the Deputy Administrator has reason to believe a sugarcane disease is present, or that the Deputy Administrator deems necessary to regulate based on its proximity to a sugarcane disease or its inseparability for enforcement purposes from localities where a sugarcane disease occurs. The Deputy Administrator will publish a list of all regulated areas (the regulated areas list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/sugarcane.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directors and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to regulated areas. Less than an entire State will be designated as a regulated area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are substantially the same as those that are imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a regulated area will be adequate to prevent the artificial interstate spread of a sugarcane disease.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such an area. Written notice of the designation will be given to the owner or person in possession of the nonregulated area. Thereafter, the interstate movement of any regulated article from the area will be subject to this subpart. As soon as practicable, the area will either be added to the regulated areas list, or the Deputy Administrator or an inspector will terminate the designation. Notice thereof will be given the owner or person in possession of the area.

§ 301.87–4 [Amended]

■ 75. Section 301.87–4 is amended as follows:

■ a. In the section heading, by redesignating footnote 3 as footnote 1; and

■ b. In paragraph (a), by removing the words ''of this subpart''.

§ 301.87–5 [Amended]

■ 76. Section 301.87–5 is amended as follows:

■ a. In paragraph (a)(1)(i), by redesignating footnote 4 as footnote 1;

■ b. In paragraph (a)(1)(ii) by redesignating footnote 5 as footnote 2;

■ c. In paragraph, (a)(2), by redesignating footnote 6 as footnote 3; and

■ d. In paragraph (c), by removing the words ''of this subpart'' in the second sentence.

§ 301.87–6 [Amended]

■ 77. Section 301.87–6 is amended in paragraph (a) by redesignating footnote 7 as footnote 1.

§ 301.87–7 [Amended]

■ 78. Section 301.87–7 is amended in paragraph (a) by removing the words ''of this subpart'', and redesignating footnote 8 as footnote 1.

■ 79. Sections 301.89–2 and 301.89–3 are revised to read as follows:

§ 301.89–2 Regulated articles.

(a) *List of regulated articles.* The Administrator has determined that certain articles present a risk of spreading Karnal bunt. A list of all such articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/karnal-bunt/ct_karnal_bunt.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Administrator determines that an article not already listed presents a risk of spreading Karnal bunt, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for Karnal bunt. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for Karnal bunt and listing it.

(c) *Immediate designation of regulated articles.* Any other article, product, or means of conveyance not already listed in accordance with paragraph (a) of this section may be designated a regulated article on an immediate basis if an inspector determines that it presents a risk of spreading Karnal bunt, and notifies the person in possession of the article, product, or means of conveyance that it is now subject to the restrictions of this subpart.

§ 301.89–3 Regulated areas.

(a) *Designation.* Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a regulated area each State or portion of a State if it is determined to be infected with Karnal bunt or if it is in proximity to an infestation or inseparable from the infected locality for regulatory purposes based on the following: Projections of the spread of Karnal bunt along the periphery of the infestation, the availability of natural habitats and host materials within the noninfected acreage that are suitable for establishment and survival of Karnal bunt, and the necessity of including uninfected acreage within the regulated area in order to establish readily identifiable boundaries. The Administrator will publish a list of all regulated areas (the regulated areas list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/karnal-bunt/ct_karnal_bunt.* The list will include the date that the list was last updated. Lists of all regulated areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directors and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to regulated areas.

(b) *Designation of less than an entire State as a regulated area.* Less than an entire State will be designated as a regulated area only if the Administrator:

(1)(i) Determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to the movement restrictions imposed by this subpart; and

(ii) Determines that designating less than the entire State as a regulated area

will prevent the spread of Karnal bunt; or

(2) Exercises his or her extraordinary emergency authority under 7 U.S.C. 7715.

(c) *Temporary designation of regulated areas.* The Administrator or an inspector may temporarily designate any nonregulated area as a regulated area in accordance with the criteria specified in paragraph (a) or (b) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonregulated area, or, in the case of publicly owned land, to the person responsible for the management of the nonregulated area. Thereafter, the movement of any regulated article from an area temporarily designated as a regulated area is subject to this subpart. As soon as practicable, this area either will be added to the regulated areas list, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

(d) *Regulated fields.* The Administrator will classify a field or area as a regulated area when:

(1) It is a field planted with seed from a lot found to contain a bunted wheat kernel; or

(2) It is a distinct definable area that contains at least one field that was found during survey to contain a bunted wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted kernel); or

(3) It is a distinct definable area that contains at least one field that has been determined to be associated with grain at a handling facility containing a bunted kernel of a host crop (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to the field associated with the bunted kernel at the handling facility).

(e) *Release from regulation.* A field known to have been infected with Karnal bunt, as well as any non-infected acreage surrounding the field, will be released from regulation if:

(1) The field has been permanently removed from crop production; or

(2) The field is tilled at least once per year for a total of 5 years (the years need not be consecutive). After tilling, the field may be planted with a crop or left fallow. If the field is planted with a host crop, the crop must test negative, through the absence of bunted kernels, for Karnal bunt.

§ 301.89–7 [Amended]

■ 80. Section 301.89–7 is amended by redesignating footnote 3 as footnote 1.

■ 81. Secton 301.89–9 is amended in paragraph (a) by redesignating footnote 4 as footnote 1 and revising newly redesignated footnote 1 to read as follows:

§ 301.89–9 Assembly and inspection of regulated articles.

* * * * *

[1] See footnote 1 in § 301.89–6.

■ 82. Section 301.91 is amended by revising paragraph (a) to read as follows:

§ 301.91 Quarantine and regulations; restrictions on interstate movement of regulated articles.[1]

(a) *Notice of quarantine.* Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), the Secretary of Agriculture establishes a quarantine within the United States to prevent the artificial spread of European larch canker (*Lachnellula willkommi* (Dasycypha)). The regulations in this subpart govern the interstate movement from regulated areas of regulated articles.

* * * * *

[1]Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

■ 83. Section 301.91–1 is amended by revising the definitions for ''Regulated area'' and ''Regulated article'' to read as follows:

§ 301.91–1 Definitions.

* * * * *

Regulated area. Any State, or any portion thereof, listed in accordance with § 301.91–3.

Regulated article. Any article identified as a regulated article under § 301.91–2 as follows: listed as of [EFFECTIVE DATE OF FINAL RULE], added in accordance with § 301.91–2(b), or otherwise designated in accordance with § 301.91–2(c).

* * * * *

■ 84. Sections 301.91–2 and 301.91–3 are revised to read as follows:

§ 301.91–2 Regulated articles.

(a) *List of regulated articles.* The Deputy Administrator has determined that certain articles present a risk of spreading European larch canker. A list of all such regulated articles is found on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/elc/european-larch-canker.* Lists of all regulated articles may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.*

(b) *Normal process for designating additional regulated articles.* (1) If the Deputy Administrator determines that an article not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/elc/european-larch-canker* presents a risk of spreading European larch canker, APHIS will publish a notice in the **Federal Register** proposing to designate the article as a regulated article for European larch canker. The notice will provide the basis for this determination, and will request public comment.

(2) If no comments are received on the notice, or if the comments do not change the Deputy Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the article as a regulated article for European larch canker and listing it.

(c) *Immediate designation of regulated articles.* An inspector may designate any other product, article, or means of conveyance as a regulated article for European larch canker, if the inspector determines that it presents a risk of spreading European larch canker, and after the inspector provides actual notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.91–3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator will list as a regulated area each State, or each portion of a State, in which European larch canker has been found by an inspector, or in which the Deputy Administrator has reason to believe that European larch canker is present, or any portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to a European larch canker infestation or its inseparability for quarantine enforcement purpose from localities in which European larch canker occurs. The Deputy Administrator will publish

a list of all regulated areas (the regulated areas list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plant-disease/elc/european-larch-canker.* The list will include the date that the list was last updated. Lists of all regulated areas may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of regulated areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the regulated areas. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of European larch canker.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section. The Deputy Administrator will give a copy of this regulation along with written notice of the temporary designation to the owner or person in possession of the nonregulated area, or, in the case of publicly owned land, to the person responsible for the management of the nonregulated area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a regulated area will be subject to this subpart. As soon as practicable, the area will be added to the regulated areas list or the designation will be terminated by the Deputy Administrator or an inspector. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which designation is terminated will be given written notice of the termination as soon as practicable.

§ 301.91–4 [Amended]

■ 85. Section 301.91–4 is amended as follows:

■ a. In the section heading, by redesignating footnote 2 as footnote 1; and

■ b. In paragraph (a), by removing the words ''of this subpart''.

§ 301.91–5 [Amended]

■ 86. Section 301.91–5 is amended in paragraph (b)(2) by redesignating footnote 3 as footnote 1.

§ 301.91–6 [Amended]

■ 87. Section 301.91–6 is amended in paragraph (a) by redesignating footnote 4 as footnote 1.

§ 301.91–7 [Amended]

■ 88. Section 301.91–7 is amended in paragraph (a) by redesignating footnote 5 as footnote 1.

■ 89. Section 301.92–1 is amended as follows:

■ a. In the definition for ''Non-host nursery stock'', by adding the words ''accordance with'' after the word ''in'';

■ b. In the definition of ''Nursery stock'', by redesignating footnote 2 as footnote 1 and revising the newly redesignated footnote 1;

■ c. By revising the definition for ''Quarantined area''; and

■ d. In the definitions for ''Regulated article'' and ''Restricted article'', by removing the words ''of this subpart''.

The revisions read as follows:

§ 301.92–1 Definitions.

* * * * *

Quarantined area. Any State, or any portion of a State, designated as a quarantined area in accordance with § 301.92–3.

* * * * *

[1] Bulbs, tubers, corms, or rhizomes are only considered nursery stock (and therefore, regulated under this subpart) if they are of plant taxa listed in accordance with § 301.92–2 as regulated articles or associated articles.

■ 90. Section 301.92–2 is amended as follows:

■ a. In paragraph (a)(1), by adding the words ''accordance with'' after the words ''listed in'' and removing footnote 3;

■ b. In paragraph (a)(2), by adding the words ''accordance with'' after the words ''listed in'';

■ c. In paragraph (b)(1), by adding the words ''accordance with'' after the words ''listed in'' and removing footnote 4;

■ d. In paragraph (c), by adding the words ''accordance with'' after the words ''listed in''; and

■ e. By revising paragraphs (d) and (e).

The revisions read as follows:

§ 301.92–2 Restricted, regulated, and associated articles; lists of proven hosts and associated plant taxa.

* * * * *

(d) *Proven host plant taxa.* The Administrator has determined that certain taxa of plants are proven hosts of *Phytophthora ramorum.* A list of all such proven host taxa is located on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/sod.* Lists of all proven host taxa may also be obtained by request from any local Plant Protection and Quarantine (PPQ) office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* If the Administrator determines that a taxon not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/sod* is a proven host of *Phytophthora ramorum,* APHIS will publish a notice in the **Federal Register** proposing to designate the taxon as a proven host of *Phytophthora ramorum.* The notice will provide the basis for this determination, and will request public comment. If no comments are received on the notice, or if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the taxon as a proven host of *Phytophthora ramorum* and listing it.

(e) *Associated plant taxa.* The Administrator has determined that certain plant taxa are associated with *Phytophthora ramorum.* A list of all such taxa is located on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/sod.* Lists of all associated taxa may also be obtained by request from any local PPQ office; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* If the Administrator determines that a taxon not already listed at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/sod* is associated with *Phytophthora ramorum,* APHIS will publish a notice in the **Federal Register** proposing to designate the taxon as associated with *Phytophthora ramorum.* The notice will provide the basis for this determination, and will request public comment. If no comments are received on the notice, or

if the comments do not change the Administrator's determination, APHIS will publish a second notice in the **Federal Register** designating the taxon as associated with *Phytophthora ramorum* and listing it.

■ 91. Section 301.92–3 is amended by revising paragraph (a) to read as follows:

§ 301.92–3 Quarantined areas and regulated establishments.

(a) *Quarantined areas.* (1) Except as otherwise provided in paragraph (a)(2) of this section, the Administrator will designate as a quarantined area each State or portion of a State in which *Phytophthora ramorum* has been confirmed by an inspector to be established in the natural environment, in which the Administrator has reason to believe that *Phytophthora ramorum* is present in the natural environment, or that the Administrator considers it necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which *Phytophthora ramorum* has been found in the natural environment. The Administrator will publish a list of all quarantined areas (the quarantine list) on the PPQ website at *www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/phytophthora-ramorum/sod.* The list will include the date that the list was last updated. Lists of all quarantined areas may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories and on the internet at *www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/sphd.* After a change is made to the list of quarantined areas, APHIS will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined areas. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(i) The State has adopted and is enforcing restrictions on the intrastate movement of regulated, restricted, and associated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated, restricted, and associated articles; and

(ii) The designation of less than the entire State as a quarantined area will prevent the interstate spread of *Phytophthora ramorum.*

(2) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria in paragraph (a)(1) of this section. The Administrator or the inspector will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated, restricted, or associated article from the area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the quarantine list or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

* * * * *

§ 301.92–4 [Amended]

■ 92. Section 301.92–4 is amended as follows:

■ a. In paragraph (a) introductory text, by redesignating footnote 5 as footnote 1;

■ b. In paragraph (b) introductory text, by removing footnote 6;

■ c. In paragraph (c)(2) introductory text, by adding the words ''accordance with'' after the words ''listed in''; and

■ d. In paragraph (c)(2)(ii)(B), by redesignating footnote 7 as footnote 2.

■ 93. Section 301.92–5 is amended as follows:

■ a. In paragraph (a), by redesignating footnotes 8 and 9 as footnotes 1 and 2, respectively;

■ b. In paragraph (a)(1)(ii), redesignate footnote 10 as footnote 3 and revise newly redesignated footnote 3; and

■ c. In paragraph (a)(1)(v), redesignate footnote 11 as footnote 4.

The revision reads as follows:

§ 301.92–5 Issuance and cancellation of certificates.

* * * * *

[3] Firewood, logs, lumber of species listed in accordance with 301.92–2(d) and marked with an asterisk are not regulated articles, as noted in § 301.92–2(b)(1).

* * * * *

§ 301.92–6 [Amended]

■ 94. Section 301.92–6 is amended in paragraph (a) by redesignating footnote 12 as footnote 1.

■ 95. Section 301.92–7 is amended by redesignating footnote 13 as footnote 1 and revising newly redesignated footnote 1 to read as follows:

§ 301.92–7 Availability of inspectors; assembly for inspection.

* * * * *

[1] See footnote 2 in § 301.92–4.

Done in Washington, DC, this 1st day of June 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–12153 Filed 6–13–22; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2022–0049]

RIN 3150–AK76

List of Approved Spent Fuel Storage Casks: NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel regulations by revising the NAC International NAC–UMS Universal Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 9 to Certificate of Compliance No. 1015. Amendment No. 9 revises the certificate of compliance to correct the effective thermal properties for pressurized-water reactor fuel assemblies used in the certification basis ANSYS thermal models and to update modeling assumptions. In addition, this rulemaking makes editorial corrections to Amendment No. 8.

DATES: Submit comments by July 14, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2022–0049, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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: Bernard White, Office of Nuclear Material Safety and Safeguards;

telephone: 301–415–6577, email: *Bernard.White@nrc.gov* or Vanessa Cox, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–8342, email: *Vanessa.Cox@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Plain Writing
V. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0049 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–2022–0049. Address questions about NRC dockets to Dawn Forder, telephone: 301–415–3407, email: *Dawn.Forder@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *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, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2022–0049 in your comment submission. The NRC requests that you submit comments through the Federal rulemaking website at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on August 29, 2022. However, if the NRC receives any significant adverse comment by July 14, 2022, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] . . . establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on October 19, 2000 (65 FR 62581), that approved the NAC International NAC–UMS Universal Storage System and added it to the list

of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1015.

IV. Plain Writing

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

V. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No.
Submittal of Request for NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9 dated July 30, 2021.	ML21222A017 (package)
Proposed Certificate of Compliance for NAC International NAC–UMS Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 9.	ML21313A071
Safety Evaluation Report for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9	ML21312A495
Corrected pages B–2, B–4, and B3–2 from NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 8 Technical Specifications (Appendix B).	ML21312A499
Proposed Technical Specifications (Appendix A) for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A501
Proposed Technical Specifications (Appendix B) for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A500
User Need Memorandum for forwarding Certificate of Compliance, Technical Specifications and Safety Evaluation Report for NAC International NAC–UMS Certificate of Compliance No. 1015, Amendment 9.	ML21312A488

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2022–0049. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2022–0049); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Dated: June 1, 2022.

For the Nuclear Regulatory Commission.

Daniel H. Dorman,

Executive Director for Operations.

[FR Doc. 2022–12745 Filed 6–13–22; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2022–BT–STD–0017]

RIN 1904–AF41

Energy Conservation Program: Energy Conservation Standards for Miscellaneous Gas Products

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

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'' or ''the Department'') is initiating an effort to evaluate the potential for energy conservation standards for consumer miscellaneous gas products. DOE published a proposed coverage determination for these products in the **Federal Register** on February 7, 2022. This request for information (''RFI'') solicits information from the public to help DOE determine whether potential standards for miscellaneous gas products would result in significant energy savings and whether such standards would be technologically feasible and economically justified, information which will prove useful in the event DOE moves forward with a final coverage determination. As part of this RFI and to aid in the Department's evaluation, DOE seeks comment on the market for these products and technologies to improve their energy efficiency or reduce their energy consumption. DOE also welcomes written comments from the public on any subject within the scope of this document (including topics not specifically raised), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before July 14, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov,* under docket number EERE–2022–BT–STD–0017. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2022–BT–STD–0017 and/or RIN 1904–AF41, by any of the following methods:

(1) *Email: MscGasProds2022STD0017@ee.doe.gov.* Include docket number EERE–2022–BT–STD–0017 and/or RIN 1904–AF41 in the subject line of the message.

(2) *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.

(3) *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 III of this document.

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

The docket web page can be found at *www.regulations.gov/docket/EERE-2022-BT-STD-0017.* The docket web page contains instructions on how to

access all documents, including public comments, in the docket. See section III for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, 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: (240) 597–6737. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
A. Authority and Background
B. Rulemaking Process
C. Deviation From Appendix A
II. Request for Information and Comments
A. Products Addressed by This Process
B. Test Procedure
C. Market and Technology Assessment
1. Product Classes
2. Technology Assessment
D. Screening Analysis
E. Engineering Analysis
1. Efficiency Analysis
2. Cost Analysis
F. Markup Analysis
G. Energy Use Analysis
H. Life-Cycle Cost and Payback Period Analysis
1. Installation Costs
2. Energy Prices
3. Repair and Maintenance Costs
4. Product Lifetime
5. No-New-Standards Case Efficiency Distribution
I. Shipments Analysis
J. National Impact Analysis
K. Manufacturer Impact Analysis
III. Submission of Comments

I. Introduction

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified) authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. (42 U.S.C. 6291–6309)

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 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).

In addition to specifying a list of covered residential products and commercial/industrial equipment, EPCA, as amended, contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. (42 U.S.C. 6292(a)(20)) Specifically, for a given product to be classified as a covered product, the Secretary must determine that:

(1) Classifying the product as a covered product is necessary or appropriate for carrying out the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (''kWh'') (or its British thermal unit (''Btu'') equivalent) per year.

(42 U.S.C. 6292(b)(1)(A) and (B))

The Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6292(a)(20) and (b)(1), provided that such standard meets the requirements of 42 U.S.C. 6295(o) and (p), and the Secretary must also determine that:

(1) The average per-household energy use within the United States of the type (or class) of products has exceeded 150 kWh (or its Btu equivalent) per household for any prior 12-month period;

(2) The aggregate 12-month household energy use of the type (or class) of products has exceeded 4.2 terawatt-hours [3] (or its Btu equivalent);

(3) Substantial improvement in energy efficiency of products in such type (or class) is technologically feasible; and

(4) Application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified.

(42 U.S.C. 6295(l)(1)(A)–(D))

On February 7, 2022, DOE published in the **Federal Register** a notice of proposed determination (''NOPD'') of miscellaneous gas products (''MGPs'') as a covered consumer product (''February 2022 NOPD''). 87 FR 6786. As proposed in the February 2022 NOPD, ''miscellaneous gas products'' are comprised of decorative hearths and outdoor heaters, the definitions for which are discussed in section II.A of this document. In the February 2022 NOPD, DOE presented its preliminary findings relating to the energy use of MGPs to determine whether they could be classified as a type of covered product under the requirements of 42 U.S.C. 6292(b)(1)(A) and (B). 87 FR 6786, 6790–9792 (Feb. 7, 2022). DOE also stated that it would determine if MGPs satisfy the provisions of 42 U.S.C. 6295(l)(1), if DOE proceeds with a rulemaking to establish energy conservation standards for said products. *Id.* at 87 FR 6788.

DOE must follow specific statutory criteria for prescribing new or amended energy conservation standards for covered products. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that the Secretary of Energy determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A) and (3)(B)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3))

Moreover, DOE may not prescribe a standard: (1) for certain products if no test procedure has been established for the product, or (2) if DOE determines by rule that the standard is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(A)–(B)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving views and comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class)

[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 reflects 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.

[3] A terawatt is a unit of power equal to one trillion watts.

compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii))

EPCA also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories that warrant separate product classes and energy conservation standards with a level of energy efficiency or energy use either higher or lower than that which would apply for such group of covered products which have the same function or intended use. DOE must specify a different standard level for a type or class of products that has the same function or intended use, if DOE determines that products within such group: (A) consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard. (42 U.S.C. 6295(q)(1)) In determining whether capacity or another performance-related feature justifies a different standard for a group of products, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. (42 U.S.C. 6295(q)(2))

Finally, pursuant to the amendments contained in the Energy Independence and Security Act of 2007 (''EISA 2007''), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B))

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

There are not currently any energy conservation standards for MGPs, but as discussed, DOE has proposed to determine that MGPs are a covered product. 87 FR 6786 (Feb. 7, 2022). The February 2022 NOPD addresses MGPs, which are consumer products comprising: (1) Those hearth products that are not direct heating equipment (''DHE'') (*i.e.,* those hearth products that are indoor or outdoor decorative hearth products), and (2) outdoor heaters. *Id.* at 87 FR 6788. Previous rulemaking history related to these products is discussed in section II of the February 2022 NOPD. *Id.* at 87 FR 6787–6788. Were DOE to ultimately determine that MGPs are a covered product, DOE would then consider whether to establish energy conservation standards for MGPs subject to the criteria in EPCA.

DOE is publishing this RFI to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

As discussed previously, DOE must follow specific statutory criteria for prescribing new or amended energy conservation standards for covered products. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') shall be designed to achieve the maximum improvement in energy efficiency (or for certain products specified by EPCA, water efficiency) that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)(B))

Particularly in light of the climate crisis, the significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.[4] For example, the United States has now rejoined the Paris Agreement on February 19, 2021. As part of that agreement, the United States has committed to reducing greenhouse gas (''GHG'') emissions in order to limit the rise in mean global temperature.[5] As such, energy savings that reduce GHG emissions have taken on greater importance. Additionally, some covered products and equipment have most of their energy consumption occur during periods of peak energy demand. The impacts of these products on the energy infrastructure can be more pronounced than products with relatively constant demand. In evaluating the significance of energy savings, DOE considers differences in primary energy and FFC effects for different covered products and equipment when determining whether energy savings are significant. Primary energy and FFC effects include the energy consumed in electricity production (depending on load shape), in distribution and transmission, and in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), and thus present a more complete picture of the impacts of energy conservation standards. Accordingly, DOE evaluates the

[4] Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 FR 70892, 70901 (Dec. 13, 2021).

[5] *See* Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad,'' 86 FR 7619 (Feb. 1, 2021).

significance of energy savings on a case-by-case basis.

To determine whether a proposed new or amended energy conservation standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the affected products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increases in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result directly from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Analysis.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product	• Shipments Analysis. • Markups for Product Price Analysis. • Energy and Water Use Analysis. • Life-Cycle Cost and Payback Period Analysis.
3. Total Projected Energy Savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on Utility or Performance	• Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits.[6] • Regulatory Impact Analysis.

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE would ultimately rely to determine whether (and if so, how) to adopt energy conservation standards for consumer MGPs.

C. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (''appendix A''), ''Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment,'' DOE notes that it is deviating from that appendix's provision that DOE will publish its final coverage determination prior to the initiation of any energy conservation standards rulemaking. 10 CFR part 430, subpart C, appendix A, section 5(c). DOE finds it appropriate to deviate from this step because DOE believes that providing an opportunity for comment on potential energy conservation standards prior to a final coverage determination for MGPs allows stakeholders an earlier opportunity to provide comment, information, and data that may help inform DOE's priority setting. DOE also notes that in the notice of proposed rulemaking (''NOPR'') published in the **Federal Register** on July 7, 2021, DOE proposed to amend appendix A, in relevant part, by eliminating the requirement that coverage determination rulemakings must be finalized prior to initiation of a test procedure or energy conservation standard rulemaking. 86 FR 35668, 35672. DOE explained that the coverage determination, test procedure, and energy conservation standard rulemakings are interdependent and that a coverage determination defines the product/equipment scope for which DOE can establish test procedure and energy conservation standards. It also signals that inclusion of the consumer

[6] On March 16, 2022, the Fifth Circuit Court of Appeals (No. 22–30087) granted the Federal government's emergency motion for stay pending appeal of the February 11, 2022, preliminary injunction issued in *Louisiana* v. *Biden,* No. 21–cv–1074–JDC–KK (W.D. La.). As a result of the Fifth Circuit's order, the preliminary injunction is no longer in effect, pending resolution of the federal government's appeal of that injunction or a further court order. Among other things, the preliminary injunction enjoined the defendants in that case from ''adopting, employing, treating as binding, or relying upon'' the interim estimates of the social cost of greenhouse gases—which were issued by the Interagency Working Group on the Social Cost of Greenhouse Gases on February 26, 2021—to monetize the benefits of reducing greenhouse gas emissions. In the absence of further intervening court orders, DOE will revert to its approach prior to the injunction and present monetized benefits where appropriate and permissible under law.

product is necessary to carry out the purpose of EPCA (*i.e.,* to conserve energy and/or water). In order to make this determination, DOE needs to consider whether energy conservation standards can be established for the consumer product. If DOE cannot prescribe energy conservation standards that result in significant energy savings (42 U.S.C. 6295(o)), then making a coverage determination is not necessary as it will not result in the conservation of energy. Thus, it is important that DOE be able to gather information and provide stakeholders an opportunity to comment and provide information and data pertinent to test procedure and energy conservation standard rulemakings, during the course of DOE conducting its coverage determination rulemaking. *Id.*

DOE further notes that it is deviating from that appendix's provision requiring a 75-day comment period for all pre-NOPR rulemaking documents for standards. 10 CFR part 430, subpart C, appendix A, section 6(d)(2). DOE finds it appropriate to deviate from this provision and to instead provide a 30-day comment period for this RFI. DOE believes that 30 days is sufficient time to respond to this initial rulemaking document, as DOE already requested information on the MGP market in the February 2022 NOPD. *See* 87 FR 6786, 6794–6795 (Feb. 7, 2022). Market information developed and reviewed for the February 2022 NOPD would provide the basis for responses to the requests in this RFI. A 30-day comment period will also allow DOE to review comments received in response to this document before finalizing its coverage determination, thereby assisting the Department by helping inform its decisions regarding prioritizing any potential rulemakings for MGPs in light of its other on-going rulemakings and statutory requirements.

II. Request for Information and Comments

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether establishing energy conservation standards for MGPs may be warranted.

A. Products Addressed by This Process

This RFI addresses those products that meet the definition of MGPs as proposed in the February 2022 NOPD. 87 FR 6786, 6788 (Feb. 7, 2022). More specifically, MGPs are consumer products comprising: (1) hearth products that are not DHE (*i.e.,* hearth products that are indoor or outdoor decorative hearth products) and (2) outdoor heaters. *Id.* Further, the proposed definitions of ''decorative hearth product'' and ''outdoor heater'' are as follows:

> *Decorative hearth product* means a gas-fired appliance that:
> (1) Simulates a solid-fueled fireplace or presents a flame pattern;
> (2) Includes products designed for indoor use, outdoor use, or either indoor or outdoor use;
> (3) Is not designed to be operated with a thermostat;
> (4) For products designed for indoor use, is not designed to provide space heating to the space in which it is installed; and
> (5) For products designed for outdoor use, is not designed to provide heat proximate to the unit.
> *Outdoor heater* means a gas-fired appliance designed for use in outdoor spaces only, and which is designed to provide heat proximate to the unit.

87 FR 6786, 6790 (Feb. 7, 2022).

DOE requests comment on whether the proposed definitions for ''miscellaneous gas products,'' ''decorative hearth product,'' and/or ''outdoor heater'' require any revisions, and if so, how those definitions should be revised.

DOE requests comment on whether additional product definitions are necessary to close any potential gaps in coverage between product types. DOE also seeks input on whether such products currently exist in the market or whether they are being planned for introduction.

In addition, DOE notes that this RFI does not address electric or oil-fired products, which were also not included in the February 2022 NOPD. DOE has tentatively determined that there is little opportunity for additional energy savings for these products, as they do not use standing pilot ignition systems.

B. Test Procedure

EPCA defines ''energy conservation standard'' as a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use; or for certain enumerated covered products, including products for which the Secretary has made a determination to classify them as covered products, a design requirement. (42 U.S.C. 6291(6)) EPCA requires that test procedures used to evaluate compliance with a performance standard be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) [7]

As proposed to be defined, decorative hearth products simulate a solid-fuel fireplace and/or present an aesthetic flame pattern, and are not designed to heat the space in which they are used. Given the aesthetic nature of decorative hearth products and the subjective nature of the aesthetic value, DOE has tentatively determined that establishing a performance based-test procedure that meets the statutory criteria would not be possible. Instead, a design requirement may be better-suited to improve efficiency without impacting or altering the aesthetic appeal of these products.

Similarly, as proposed to be defined, outdoor heaters are gas-fired appliances designed for use in outdoor spaces only, and which are designed to provide heat proximate to the units. The aesthetic nature of many outdoor heaters is an important part of the value they provide, with some designs featuring a prominent flame (although others have little or no visible flame). Although the use of certain technology options may reduce the energy consumption of outdoor heaters under a performance-based standard, DOE is not currently aware of any design options that would offer significant energy savings other than removal of a standing pilot ignition system (if present). Therefore, for simplicity, DOE is tentatively considering all outdoor heaters to be in a single product class. Further, DOE expects that a design requirement may be better-suited than a performance requirement to improve efficiency without impacting or altering the aesthetic appeal of outdoor heaters.

Therefore, DOE is considering whether a prescriptive design requirement would be appropriate for MGPs. Specifically, as discussed in this section and later sections, DOE is seeking information regarding a possible design standard regarding the use of a continuously-burning pilot light in these products. Because the potential energy conservation standard being

[7] EPCA states, in relevant part, that an amended or new standard may not be adopted if a test procedure has not been established for the relevant product type or class. (42 U.S.C. 6295(o)(3)(A)) However, in certain cases, EPCA also authorizes energy conservation standards that by nature would not require a test procedure (*i.e.,* design requirements). (42 U.S.C. 6291(6)(B)) Additionally, EPCA requires use of the test procedures and criteria prescribed in 42 U.S.C. 6293, except for design standards. (42 U.S.C. 6295(s)) EPCA also states that a test procedure need not be prescribed if one cannot be designed to reasonably measure energy efficiency, energy use, water use, or annual operating cost, and not be unduly burdensome to conduct. (42 U.S.C. 6293(d)(1)) EPCA requires that a determination be published in the **Federal Register** providing justification in such case. *Id.*

investigated at this time is a design requirement and not a performance standard (*i.e.,* minimum efficiency or maximum energy consumption), DOE is not currently planning to develop or evaluate a potential test procedure.

DOE requests comment on whether a test procedure and performance metric that meets the EPCA criteria would be feasible for decorative hearth products and/or outdoor heaters. If so, DOE requests comment on the potential performance metric(s) and testing method(s) that would be appropriate.

C. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the MGP industry that would be used in DOE's analysis throughout the rulemaking process. DOE uses qualitative and quantitative assessments to characterize the structure of the industry and market, based upon publicly-available information. The subjects addressed in this market and technology assessment include: (1) a determination of the scope of the rulemaking and product classes; (2) manufacturers and industry structure; (3) industry market shares and trends; (4) existing regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption; (5) shipments information; and (6) technologies or design options that could improve the energy efficiency of MGPs. DOE also reviews product literature, industry publications, and company websites. Additionally, DOE considers conducting interviews with manufacturers to improve its assessment of the market and available technologies for MGPs.

1. Product Classes

When evaluating and establishing energy conservation standards, DOE may divide covered products into product classes by the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6295(q)(1)) In making a determination whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. (*Id.*)

For MGPs, there are no energy conservation standards. As noted in section I.A of this document, DOE published a proposed determination to establish MGPs as a covered consumer product in the **Federal Register** on February 7, 2022. 87 FR 6786. If DOE issues a final determination of coverage for MGPs, as discussed in section II.A of this document, the proposed scope of coverage for MGPs would include decorative hearth products and outdoor heaters. A wide range of decorative hearth products are available on the market, including, for example, gas log sets, gas fire pits, gas stoves, and gas fireplace inserts. Decorative hearth products may be used indoors or outdoors. Outdoor heaters are gas-fired products that heat the area proximate to the heater and that are designed to be used outdoors. *Id.* at 87 FR 6788. Were DOE to propose energy conservation standards for MGPs, DOE would consider whether any type of such products has a capacity or other performance-related feature that justifies a different standard.

DOE requests feedback on whether certain decorative hearth products and/or outdoor heaters have a capacity or other performance-related feature providing unique consumer utility that impacts energy use of the product. If so, DOE requests information and data detailing the customer utility of such a feature and the corresponding impacts on energy use that would justify separate product classes (*i.e.,* explanation for why the presence of these performance-related features would increase energy consumption).

2. Technology Assessment

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses information about existing and past technology options and working prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. That analysis may include a number of the technology options DOE previously considered as part of an energy conservation standards NOPR for certain products proposed to be defined as ''hearth products'' published in the **Federal Register** on February 9, 2015 (''the February 2015 NOPR''), as well as technologies identified by stakeholders in response to that NOPR.[8] 80 FR 7082. The products evaluated in the February 2015 NOPR included certain products that would be covered under the currently proposed definition of MGPs. *Id.* Certain of those prior technology options that DOE identified in the February 2015 NOPR (*see* 80 FR 7082, 7095 (Feb. 9, 2015)) and that may be applicable to MGPs appear in Table II.1 of this document. In addition to the technology options previously identified by DOE, stakeholders identified ''on demand'' pilot ignition systems as a potential alternative to traditional standing pilot ignitions.[9] The February 2015 NOPR covered hearth heaters in addition to decorative hearths and outdoor hearths, and, therefore, some of the technology options considered in that analysis may not be appropriate for MGPs. Additionally, as discussed in section 0 of this document, DOE is currently considering whether a prescriptive design requirement would be appropriate for MGPs, and, therefore, some technologies considered in the February 2015 NOPR analysis were not included in Table II.1 of this document because they related to the product's active mode power consumption.

TABLE II.1—POTENTIAL TECHNOLOGY OPTIONS

Optimized air-to-fuel ratio.
Optimized burner port design.
Improved simulated log design.
Improved pan burner media/bead type.
Reflective walls and/or other components inside combustion zone.
Electronic ignition.

DOE seeks information on the technologies listed in Table II.1 of this document regarding their applicability to the current market and how these technologies might potentially impact the energy efficiency and/or energy use of decorative hearth products and outdoor heaters. DOE also seeks information on how these technologies may have changed since they were considered in the February 2015 NOPR analysis. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

[8] The February 2015 NOPR was issued subsequent to publication in the **Federal Register** of a proposed determination of coverage for ''hearth products.'' 78 FR 79638 (Dec. 31, 2013; ''December 2013 NOPD''). In the December 2013 NOPD, DOE proposed to define ''hearth product'' as a gas-fired appliance that simulates a solid-fueled fireplace or presents a flame pattern (for aesthetics or other purpose) and that may provide space heating directly to the space in which it is installed. *Id.* at 78 FR 79640. On March 31, 2017, DOE withdrew the December 2013 NOPD and the February 2015 NOPR in the bi-annual publication of the DOE Regulatory Agenda. 82 FR 40270, 40274 (August 24, 2017).

[9] An ''on demand'' ignition system includes a pilot light that burns continuously as long as the main burner is operated at least once within a pre-programmed period of time (*e.g.,* 7 days) and a control system that shuts off the pilot light if the main burner is not operated within the preset time period.

DOE also seeks comment on any other technology options that it should consider for inclusion in its analysis, such as ''on demand'' pilot ignition systems, and whether these technologies might impact product features or consumer utility of decorative hearth products and outdoor heaters.

D. Screening Analysis

The purpose of the screening analysis is to further evaluate the technologies with the potential to improve equipment efficiency to determine which technologies should be eliminated from further consideration and which ones should proceed to the engineering analysis for further consideration in the energy conservation standards rulemaking.

DOE determines whether to eliminate certain technology options from further consideration based on the following five screening criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production and reliable installation and servicing of a technology in commercial products could not be achieved on the scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on product utility or product availability.* If it is determined that a technology would have significant adverse impact on the utility of the product to significant subgroups of consumers, or would result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.

(4) *Adverse impacts on health or safety.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-Pathway Proprietary Technologies.* If a design option utilizes proprietary technology that represents a unique pathway to achieving a given efficiency level, that technology will not be considered further due to the potential for monopolistic concerns.

10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from further consideration.

DOE requests feedback on what impact, if any, the five screening criteria described in this section would have when applied to each of the technology options listed in Table II.1 of this document pertaining to decorative hearth products and outdoor heaters. Similarly, DOE seeks information regarding the effect these same criteria would have when applied to any other technology options not already identified in this document with respect to their potential use in decorative hearth products and/or outdoor heaters.

E. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency (or energy use) and cost of consumer MGPs. There are two elements to consider in the engineering analysis: (1) the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and (2) the determination of product cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency products, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost (*i.e.,* the manufacturer production cost (''MPC''), as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the national impact analysis (''NIA'')). The following sections provide further detail on DOE's engineering analysis and seek public input on specific issues pertinent to consumer miscellaneous gas products, the subject of this rulemaking.

In the analysis accompanying the February 2015 NOPR, which included consideration of decorative hearth products, DOE focused its engineering analysis on the impacts of a prescriptive design requirement that would remove the standing pilot ignition system and replace it with a system that does not use a continuously-burning pilot. 80 FR 7082, 7097 (Feb. 9, 2015).

In the February 2015 NOPR analysis for hearth products, which included decorative hearths and outdoor hearths, as well as hearth heaters (which DOE is considering in a separate rulemaking proceeding as a category of DHE products), DOE used the design option approach (described further in section II.E.1 of this document) by selecting hearth models that represented a range of hearth configurations (*e.g.,* vented fireplaces, vented fireplace inserts, unvented fireplace inserts, vented gas log sets, and unvented gas log sets). In light of the analytical focus on a prescriptive design requirement related to standby mode energy consumption, representative models were chosen that would allow a direct comparison between standing pilot and electronic ignition systems. DOE then used the cost assessment approach by gathering additional information using reverse-engineering methodologies, product information from manufacturer catalogs and manuals, and discussions with manufacturers and other experts on hearth products. *Id.* at 80 FR 7096. DOE assumed that, should standing pilot ignitions be disallowed, manufacturers would convert standing pilot models to electronic ignition models rather than match-lit models in order to provide the same level of safety, comfort, and functionality. *Id.* DOE expects that a similar approach to the engineering analysis would be appropriate for MGPs.

DOE seeks comment on its anticipated general approach to the engineering analysis and whether the approach used in the analysis for the February 2015 NOPR would be appropriate for an analysis of all MGPs.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.,* the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.,* the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency level ''clusters'' that already exist on the market). Using the design-option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design-option

approach to interpolate to define ''gap fill'' levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the max-tech level (particularly in cases where the max-tech level exceeds the maximum efficiency level currently available on the market).

As stated previously, in the analysis for the February 2015 NOPR, DOE only considered prescriptive requirements. In that analysis, DOE identified electronic ignition as a design option that would be applicable to hearth products in standby mode. 80 FR 7082, 7097–7098 (Feb. 9, 2015). The prior analysis only considered as an energy conservation standard a design requirement that would disallow the use of constant-burning pilot lights. DOE expects that a similar approach considering a design requirement may be appropriate for MGPs in the current rulemaking.

DOE requests feedback on whether any case exists of a product with a constant-burning pilot for which the ignition system cannot be replaced with an alternative ignition system that does not utilize a constant-burning pilot, and if so, what the specific situations are in which this would occur. DOE also seeks information as to whether other design options could be a viable approach to reducing the energy consumption of decorative hearth products and outdoor heaters, as well as where there are limitations on the use of certain design options. DOE requests feedback on any other existing technologies that would be technologically feasible, economically justified, and would result in significant energy consumption savings for miscellaneous gas products.

For each product class, DOE selects a baseline model as a reference point against which any changes resulting from potential new or amended energy conservation standards can be measured. The baseline model in each product class represents the characteristics of common or typical products in that class (*e.g.,* capacity, physical size). Typically, a baseline model is one that just meets the current minimum energy conservation standards, or if no standards are in place (as is the case for miscellaneous gas products), the baseline is generally the most common or least-efficient units on the market that provides basic consumer utility. In the February 2015 NOPR, DOE tentatively determined that the standing pilot ignition system represents the baseline design in terms of energy consumption for hearth products, to the extent such products were evaluated. 80 FR 7082, 7098 (Feb. 9, 2015).

DOE requests feedback on the appropriate baseline efficiency levels and/or designs for decorative hearth products and outdoor heaters.

As part of DOE's analysis, the maximum available efficiency level is the highest-efficiency unit currently available on the market. DOE defines a ''max-tech'' efficiency level to represent the theoretical maximum possible efficiency if all available design options are incorporated in a model. In applying these design options, DOE would only include those that are compatible with each other and that when combined would represent the theoretical maximum possible efficiency. In many cases, the max-tech efficiency level differs from the maximum available efficiency level, because the max-tech design options are not economically feasible to implement.

Although MGPs do not currently have energy conservation standards, and test data for both decorative hearth products and outdoor heaters are limited, DOE expects that having electronic ignition (including intermittent pilot ignition systems) would necessarily result in a lower energy consumption than if electronic ignition is not present. In the February 2015 NOPR, electronic ignition was identified as providing the maximum reduction in energy use possible. 80 FR 7082, 7098 (Feb. 9, 2015). DOE used this as the max-tech design option, as it was unaware of any other design options on the market that would substantially reduce the energy consumption of hearth products during standby operation. *Id.*

DOE seeks input on the max-tech efficiency level and/or design for decorative hearth products and outdoor heaters. Additionally, for any max-tech efficiency level and/or design identified by stakeholders, DOE also seeks input on whether such a max-tech efficiency level would be appropriate and technologically feasible for potential consideration as possible energy conservation standards for decorative hearth products and outdoor heaters, and if not, why not.

2. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including availability and reliability of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the product on the market. The cost approaches are summarized as follows:

- *Physical teardowns:* Under this approach, DOE physically dismantles a commercially-available product, component-by-component, to develop a detailed bill of materials (''BOM'') for the product.
- *Catalog teardowns:* In lieu of physically deconstructing a product, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the BOM for the product.
- *Price surveys:* If neither a physical nor catalog teardown is feasible (*e.g.,* tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable) or cost-prohibitive and otherwise impractical (*e.g.,* large commercial boilers), DOE conducts price surveys using publicly-available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

In the analysis for the February 2015 NOPR, DOE performed physical teardowns to generate a BOM for each product torn down. 80 FR 7082, 7098 (Feb. 9, 2015). DOE selected products for the physical teardown analysis that represented the most common configurations of products being analyzed, including some products that are now being evaluated as MGPs. In the analysis for the February 2015 NOPR, DOE conducted 14 physical teardowns to create a detailed BOM for each product type or style. *Id.*

The resulting BOM provided the basis for the manufacturer production cost (''MPC'') estimates. DOE converted the materials and components in the BOM to dollar values based on the price of materials, average labor rates associated with manufacturing and assembly and the cost of overhead and depreciation. DOE then applied a cost multiplier (the manufacturer markup) to convert the MPC to manufacturer selling price (''MSP''). The manufacturer markup accounts for non-production costs (*i.e.,* selling, general, and administrative expenses, research and development, and interest), along with profit. The resulting MSP is the price at which the manufacturer distributes a unit into commerce. The MPC and MSP were calculated for products utilizing standing pilot ignition systems and products utilizing intermittent pilot ignition systems. 80 FR 7082, 7098 (Feb. 9, 2015).

As described at the beginning of this section, the main outputs of the engineering analysis are cost-efficiency relationships that describe the estimated increases in MPC associated with

higher-efficiency products for the analyzed product classes. For the February 2015 NOPR, DOE developed the cost-efficiency relationships by estimating the efficiency improvements and costs associated with incorporating an intermittent pilot ignition (*i.e.,* an electronic ignition) into the assumed baseline model for each hearth type. *Id.*

DOE requests feedback on whether, and if so how, manufacturers would incorporate the technology options listed in Table II.1 of this document to increase energy efficiency and/or reduce energy use in decorative hearth products and outdoor heaters beyond baseline. This includes information on the order in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. Furthermore, DOE is interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

DOE also seeks input on the increase in MPC associated with incorporating each particular design option. Specifically, DOE is interested in whether and how the costs estimated for design options presented in the February 2015 NOPR have changed since the time of that analysis. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

DOE requests comment on whether certain design options may not be applicable to (or incompatible with) specific product types.

F. Markup Analysis

DOE derives consumer prices based on manufacturer markups, retailer markups, distributor markups, contractor markups (where appropriate), and sales taxes. In deriving these markups, DOE determines the major distribution channels for product sales, the markup associated with each party in each distribution channel, and the existence and magnitude of differences between markups for baseline products (''baseline markups'') and higher-efficiency products (''incremental markups''). The identified distribution channels (*i.e.,* how the products are distributed from the manufacturer to the consumer) and estimated relative sales volumes through each channel are used in generating end-user price inputs for the LCC analysis and NIA. The markups are multipliers that are applied at each stage in the distribution channel for consumer MGPs.

In its prior analysis, DOE analyzed decorative hearths and outdoor hearth products (which included outdoor fireplaces, outdoor fireplace inserts, outdoor fire pits, outdoor gas lamps, and patio heaters). (See Chapter 3 of the 2015 NOPR TSD [10] for a detailed description of the products analyzed in that notice.) The same distribution channels were used for all products in the previous analysis. DOE utilized several sources including: (1) the Heating, Air-Conditioning & Refrigeration Distributors International (''HARDI'') 2013 Profit Report [11] to develop wholesaler mark-ups; (2) the Air Conditioning Contractors of America's (''ACAA'') 2005 financial analysis for the heating, ventilation, air-conditioning, and refrigeration (''HVACR'') contracting industry [12] to develop mechanical contractor markups, and (3) U.S. Census Bureau 2007 Economic Census data [13] for the residential and commercial building construction industry to develop general contractor markups. 80 FR 7082, 7100 (Feb. 9, 2015). DOE characterized two distribution channels to describe how hearth products pass from the manufacturer to consumers: (1) replacement market and (2) new construction.

The replacement market channel was characterized as:

Manufacturer → Wholesaler → Mechanical Contractor → Consumer

The new construction distribution channel was characterized as:

Manufacturer → Wholesaler → Mechanical Contractor → General Contractor → Consumer

Id. It is DOE's understanding that these distribution channels remain in place at the current time in essentially the same form.

For wholesalers and contractors, DOE developed baseline and incremental markups. The baseline markup relates the change in the MSP of baseline models to the change in the consumer purchase price. The incremental markup relates the change in the MSP of higher-efficiency models to the change in consumer purchase price. In addition to the markups, DOE derived State and local taxes from data provided by the Sales Tax Clearinghouse.[14] DOE derived shipment-weighted-average tax values for each region considered in the analysis. *Id.* DOE plans to use the most updated versions of these data sources to develop mark-ups for consumer MGPs.

DOE did not account for the retail outlets distribution channel in which the manufacturer sells the equipment to a retailer, who in turn sells it to a mechanical contractor, who in turn sells it to the consumer. DOE did not have sufficient data to estimate a separate markup for this distribution channel. Accordingly, DOE assumed that the retailer markup was similar to the wholesaler markup.

DOE is also aware that there may be two additional distribution channels for hearth products: (1) an online distribution channel where manufacturers sell the products to online retailers who in turn sell them directly to consumers; and (2) a rebranding distribution channel where wholesalers or retailers negotiate good pricing from the hearth product manufacturer based on high volumes and have the product customized to carry their name, and then send it through their normal distribution channel to the contractors. The former one mainly applies to the do-it-yourself (''DIY'') installation, which was estimated at the time of the 2015 analysis to account for a very small fraction of the total hearth products shipments. For the latter one, DOE assumes that it would have the same overall markups as the conventional distribution channels. Although manufacturers may have a lower margin in such cases, wholesalers and retailers would redistribute the profit throughout the distribution channel to set the final retail price so as to be comparable with products sold through conventional distribution channels. For the reasons mentioned above, DOE did not consider any of these additional distribution channels in the February 2015 NOPR analysis.

DOE requests information on the distribution channels outlined previously, and their relevance to decorative hearths and outdoor heaters.

[10] Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0036-0002.*

[11] Heating, Air Conditioning & Refrigeration Distributors International 2013 Profit Report (Available at: *www.hardinet.org*) (Last accessed March 31, 2022).

[12] Air Conditioning Contractors of America (ACCA), Financial Analysis for the HVACR Contracting Industry: 2005 (Last accessed April 10, 2013).

[13] U.S. Census Bureau, 2007 Economic Census Data (Available at: *www.census.gov/econ/*) (Last accessed March 31, 2022).

[14] Sales Tax Clearinghouse, Inc. State Sales Tax Rates Along with Combined Average City and County Rates, 2013 (Available at: *https://thestc.com/STrates.stm*) (Last accessed March 31, 2022).

DOE requests information on the existence of any distribution channels other than those listed above for decorative hearths and outdoor heaters. Further, DOE seeks input on the percentage of decorative hearth products and outdoor heaters being distributed through the different distribution channels, as well as whether the share of products through each channel varies based on capacity or other features.

DOE seeks updated data, if available, and recommendations regarding data sources to establish the markups for the parties involved with the distribution of consumer MGPs.

G. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how products are used by consumers to determine the annual energy consumption of these products at issue, and to assess the energy savings potential of energy efficiency improvements. In this case, the energy use analysis is expected to represent typical energy consumption of various ignition systems in the field. DOE previously developed a sample of residential homes that use a hearth product based on the 2009 Residential Energy Consumption Survey (''RECS'').[15] 80 FR 7082, 7100 (Feb. 9. 2015). DOE developed ranges of operating hours from hearth product field studies.[16] [17] *Id.* DOE represented different modes of consumer behavior (*i.e.,* only using the pilot light when starting the hearth product, leaving the standing pilot light on for the entirety of the heating season, or leaving the standing pilot light on year-round) with a continuous distribution of standing pilot operating hours. *Id.* The pilot light operating hours for standing pilot lights coupled with the pilot light input capacity from the engineering analysis allowed DOE to calculate the annual pilot light energy use. *Id.* (''On demand'' pilot ignition systems were not separately considered in the February 2015 NOPR analysis, and DOE did not develop separate estimates for the typical operating hours of ''on demand'' pilot ignition systems.) DOE also calculated the electricity use of an intermittent pilot using the representative burner input and the average duty cycle length to calculate a number of cycles, and a conservative estimates of 30 seconds on-time per ignition. *Id.* DOE assumed a 50 watt (''W'') representative input to derive electricity consumption. *Id.*

DOE also considered the space heating impact of the pilot light in its analysis. The elimination of a pilot light would mean that the home's main heating system would have to operate somewhat more and the air conditioning system somewhat less in cases where the pilot is on year-round. DOE based this analysis on a report from the Canadian Centre for Housing Technology.[18] DOE used this study to estimate the ratio of energy consumed by the standing pilot light to the heat delivered to the conditioned space for each vented hearth product group. For unvented hearth products, DOE assumed that the majority of the heat from the pilot is input into the space. For outdoor units, none of the energy consumed by the pilot is considered useful heat. 80 FR 7082, 7101 (Feb. 9, 2015).

In 2017, the Lawrence Berkeley National Laboratory conducted a survey (''2017 Hearth Survey'') of 2,100 homes with hearth products.[19] The 2017 Hearth Survey defined hearths as a gas-fired or electrical appliance that displays a flame or a flame pattern. Hearth product types are fireplaces, or fireplace inserts, gas log sets that are typically inserted into an existing empty hearth, freestanding stoves, or outdoor units.[20] The survey provided hearth product characteristics, usage data, and repair and maintenance costs. The hearth product characteristics include the hearth product type, fuel type, ignition system type, features, venting, and installation details. The usage information includes seasonal usage of the main burner and standing pilot (if present), daily usage, and the primary utility (whether decorative or for heating). DOE plans to use this survey for the operating hours of decorative hearth products. The survey does not provide product characteristics or usage data for outdoor heaters.[21]

In the previous analysis, DOE used an input capacity of 35,000 British thermal units per hour (''Btu/h'') to represent decorative fireplace main burners and 1,000 Btu/h to represent standing pilot light input capacity, and calculated annual national intermittent ignition electricity use of a decorative fireplace to be 29 kilowatt-hours per year (''kWh/yr''). (See chapter 7 of the February 2015 NOPR TSD).[22] DOE did not have separate estimates for other decorative hearth products, such as gas log sets, gas fire pits, gas stoves, or gas fireplace inserts. (*Id.*) Further, DOE used an input capacity of 50,000 Btu/h to represent the main burners of outdoor products and 1,000 Btu/h to represent the standing pilots, and calculated annual national intermittent ignition electricity use of an outdoor product to be 29 kWh/yr. (*Id.*) The outdoor product category in the 2015 NOPR included decorative products and heaters; DOE did not develop separate estimates for outdoor decorative hearths and outdoor heaters.

DOE requests comment on the national average input capacities, standing pilot input capacities, and annual intermittent ignition electricity use estimated in the February 2015 NOPR for decorative fireplace main burners and outdoor products (the outdoor product class included decorative hearths and heaters) Specifically, DOE requests comment on the applicability of these values to currently available decorative hearth products and outdoor heaters.

DOE requests comment on the typical operating hours of ''on demand'' pilot ignition systems, and whether the energy consumption of such ignition systems when lit is comparable to that of continuously-burning pilot lights. Specifically, DOE requests data and information about the frequency with which these systems ''time-out'' (*i.e.,* automatically extinguish the pilot light), the typical length of time before ''time-out,'' and how often these pilot lights need to be relit. DOE also requests comment on the market share of ''on demand'' pilot ignition systems for decorative hearth products.

DOE requests comment on the approach of using the 2017 Hearth Survey to develop the decorative hearth

[15] U.S. Department of Energy: Energy Information Administration, Residential Energy Consumption Survey: 2009 RECS Survey Data (2013) (Available at: *www.eia.gov/consumption/residential/data/2009/*) (Last accessed March 31, 2022).

[16] Hayden, A.C.S. Fireplace Pilots Take Gas Use Sky High. Home Energy Magazine (Jan. 1997). (Available at: *www.homeenergy.org/show/article/nav/hvac/page/28/id/1264*) (Last accessed Feb. 9, 2015).

[17] Menkedick, John, Pam Hartford, Shawna Collins, Shawn Shumaker, and Darlene Wells, Hearth Products Meter Study (1995–1997), Rep. no. GRI–97/0298, Gas Research Institute (1997).

[18] Armstrong M.M., Swinton, M.C. and Szadkowski, F., Assessment of the Impact of a Natural Gas Fireplace on Heating Energy Consumption and Room Temperatures at the Canadian Centre for Housing Technology (March 31, 2010) Canada Mortgage and Housing Corporation (Available at: *https://chic.cmhc-schl.gc.ca/uhtbin/cgisirsi.exe/?ps=Ey6u7UxnJz/CHIC/17510006/60/502/X*) (Last accessed Feb. 9, 2015).

[19] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov, Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030 (Available at: *https://eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*) (Last accessed June 6, 2022.).

[20] *Id.*

[21] *Id.*

[22] U.S. Department of Energy, Technical Support Document: Energy Conservation Programs for Consumer Products, Energy Conservation Standards for Hearth Products. Chapter 7: Energy Use Analysis (Jan. 30, 2015) (Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0036-0002*).

product characteristics and usage data to measure the energy use of standing pilot lights of decorative hearths.

DOE requests data on the breakdown of ignition types (standing pilot, on demand pilot, intermittent, and match lit) and usage data for outdoor heaters. DOE also seeks comment on whether the ignition types and usage of outdoor heaters vary significantly from outdoor decorative hearths.

H. Life-Cycle Cost and Payback Period Analysis

DOE conducts the LCC and PBP analysis to evaluate the economic effects of potential energy conservation standards for MGPs on individual consumers, which usually involves a reduction in operating cost and an increase in purchase cost. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total consumer expense of an appliance or product over the life of that product, consisting of the total installed cost and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the purchase cost of the product—which includes MSPs, distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, equipment lifetimes, discount rates, and the year that compliance with new and amended standards is required.

1. Installation Costs

Installation costs represent the labor and materials required to install an MGP. However, in the analysis for the February 2015 NOPR, DOE assumed that because a pilot light is a component of a hearth product, the installation cost for most installations was $0. 80 FR 7082, 7102 (Feb. 9, 2015). In a fraction of installations, the intermittent pilot could necessitate an electrical connection (although many are battery powered). For these cases, DOE used RS Means 2013 Residential Cost Data [23] to determine the material and labor costs associated with a new electrical connection and electrical grounding. *Id.* DOE plans to take this same approach, but with the most recent version of RS Means, which is currently 2021.

DOE requests comment on its approach to installation costs and the use of RS Means 2021 for labor and material costs.

2. Energy Prices

In the analysis for the February 2015 NOPR, DOE used data from the Energy Information Administration (''EIA'') on average prices in various States and regions [24] [25] [26] to assign an energy price to each house in the sample based on its location. 80 FR 7082, 7102 (Feb. 9, 2015). Average electricity prices and natural gas prices from the EIA data were adjusted using seasonal marginal price factors to derive monthly marginal electricity and natural gas prices. *Id.* Future prices were estimated using the reference case projection of the *Annual Energy Outlook* (''*AEO*'') *2014.*[27] *Id.* DOE plans to use a similar approach and with updated data from the EIA and *AEO 2022.*

DOE requests comment on its approach to develop electricity and natural gas prices for consumer MGPs.

3. Repair and Maintenance Costs

Repair costs are associated with repairing or replacing components in the MGPs that have failed, whereas maintenance costs are routine annual costs associated with the continued proper operation of equipment. The 2017 Hearth Survey asked respondents about the average cost and frequency of hearth repairs and maintenance over the lifetime of the product. Repair categories included in the survey were ignition failure, controls failure, combustion damage, and other. Maintenance categories included in the survey were chimney cleaning, firebox cleaning, exterior cleaning, and other.[28] DOE intends to use this data along with data from RS Means about ignition system repairs to estimate the repair and maintenance costs of MGPs. In the analysis for the February 2015 NOPR, DOE assumed that the cost of repairing an intermittent pilot was 44 percent higher than for units with standing pilots. 80 FR 7082, 7103 (Feb. 9, 2015).

DOE intends to use the same repair and maintenance categories, with the exception of chimney maintenance, for outdoor heaters.

DOE requests comment on the repair and maintenance categories included in the 2017 Hearth Survey and whether they apply to decorative hearths and outdoor heaters.

DOE requests comment on the assumption that the cost of repairing an intermittent pilot is 44 percent higher than the cost of a standing pilot repair.

DOE requests information and data on the frequency of repair and repair costs for decorative hearth heaters and outdoor heaters for the technology options listed in Table II.1 of this document. While DOE is interested in information regarding each of the listed technology options, the Department is also interested in whether consumers simply replace the products when they fail as opposed to repairing them.

4. Product Lifetime

Product lifetime is the age at which a product is retired from service. In the analysis for the February 2015 NOPR, DOE developed a hearth product survival function, which provides a range of minimum to maximum lifetime, as well as an average lifetime. Furthermore, DOE assumed that the lifetime of the ignition device is the same as the lifetime of the hearth product. 80 FR 7082, 7103 (Feb. 9, 2015). The average lifetime was estimated to be 16 years. *Id.*

DOE requests comment on whether the average lifetime of 16 years for decorative hearth products that was used in the analysis for the February 2015 NOPR is still a valid estimate, and whether such estimate is appropriate for all MGPs.

5. No-New-Standards Case Efficiency Distribution

To estimate the share of consumers affected by a potential energy conservation standard, DOE's LCC and PBP analysis considers the projected distribution (*i.e.,* market shares) of product efficiencies that consumers would be expected to purchase in the first compliance year in the base case (*i.e.,* the case without new or amended energy conservation standards). DOE intends to develop the no-new-standards case efficiency distribution using data from the 2017 Hearth Survey indicate that 71 percent of decorative hearths use a standing pilot, 18 percent use intermittent ignition, and 12 percent

[23] RS Means Company Inc., RS Means Residential Cost Data (2013) (Available at: *rsmeans.reedconstructiondata.com/*) (Last accessed Feb. 9, 2015).

[24] U.S. Department of Energy—Energy Information Administration, Form EIA–826 Database Monthly Electric Utility Sales and Revenue Data (2013) (Available at: *www.eia.doe.gov/cneaf/electricity/page/eia826.html*).

[25] U.S. Department of Energy—Energy Information Administration, Natural Gas Navigator (2013) (Available at: *tonto.eia.doe.gov/dnav/ng/ng_pri_sum_dcu_nus_m.htm*).

[26] U.S. Department of Energy—Energy Information Administration, 2012 State Energy Consumption, Price, and Expenditure Estimates (SEDS) (2013) (Available at: *www.eia.doe.gov/emeu/states/_seds.html*).

[27] *Annual Energy Outlook*—Energy Information Administration (2014) (Available at: *www.eia.gov/outlooks/archive/aeo14/*).

[28] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov, Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030 (Available at: *eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*) pp. 44–46.

are match lit.[29] The 2017 Hearth Survey did not include data specifically for outdoor heaters, but instead for all outdoor products (including decorative products and heaters). The data for outdoor products indicate that 48 percent use a standing pilot, that 15 percent use intermittent ignition, and that 37 percent are match lit.[30]

DOE requests comment on the distribution of ignition types from the 2017 Hearth Survey, and whether such estimates remain valid.

DOE requests data on the breakdown of ignition systems for outdoor heaters, particularly the percentage of outdoor heaters that use standing pilots, intermittent ignition, and match lit.

I. Shipments Analysis

DOE typically develops shipments forecasts of a covered product as an input to calculate the national impacts of potential new or amended energy conservation standards on energy consumption, net present value (''NPV'') of consumer benefits and costs, and future manufacturer cash flows. DOE shipments projections are based on available historical data broken out by product group. Current sales estimates allow for a more accurate model that captures recent trends in the market.

In the analysis for the February 2015 NOPR, DOE relied on historical shipments data from the Hearth, Patio, and Barbeque Association (''HPBA'') and manufacturer interviews for hearth products, as shown in Table II.2 of this document. The HBPA shipments values included decorative hearth products and hearth heaters. Outdoor heater shipment estimates were based on manufacturer interviews.[31]

TABLE II.2—ANNUAL SHIPMENTS FOR HEARTH PRODUCTS FROM THE FEBRUARY 2015 NOPR ANALYSIS

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Shipments (millions)	1.69	1.30	1.13	0.785	0.462	0.487	0.423	0.436	0.586

DOE requests annual sales data (*i.e.,* number of shipments) for decorative hearth products and outdoor heaters. If disaggregated fractions of annual sales are not available based on these classifications, DOE requests more aggregated fractions of annual sales. If available, DOE requests the annual shipments information for the years 2014 to 2021.

J. National Impact Analysis

The purpose of the NIA is to estimate the aggregate economic impacts of potential energy conservation standards at the national level. The NIA assesses the potential NES and the national NPV of total consumer costs and savings that would be expected to result from new or amended standards at specific efficiency levels over 30 years of shipments. An important component of the NIA is the trend in energy efficiency in the no-new-standards case over the 30-year analysis period. In the analysis for the February 2015 NOPR, DOE assumed a constant efficiency trend over the 30-year period. 80 FR 7082, 7104 (Feb. 9, 2015).

DOE requests data on the expected future growth trends of decorative hearth products and outdoor heaters by ignition type (standing pilot, intermittent ignition, and match lit).

K. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to identify and quantify the estimated financial impacts of any new or amended energy conservation standards on manufacturers of consumer MGPs, and to evaluate the potential impacts of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for each product in this analysis, with the key output being industry net present value (''INPV''). The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends.

As part of the MIA, DOE intends to analyze impacts of potential energy conservation standards on subgroups of manufacturers of covered products, including domestic small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the applicable North American Industry Classification System (''NAICS'') code.[32] Manufacturing of outdoor heaters is classified under NAICS 333414, ''Heating Equipment (except Warm Air Furnaces) Manufacturing,'' and the SBA sets a threshold of 500 employees or less for a domestic entity to be considered a small business in this category. For decorative hearth products, DOE will rely on NAICS 337124, ''Metal Household Furniture Manufacturing,'' and the SBA sets a threshold of 750 employees or less for a domestic entity to be considered a small business in this category. These employee thresholds include all employees in a business's parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves examining the cumulative impact of multiple DOE standards and the product-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

[29] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov, Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030 (Available at: *eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*) p. 48.

[30] *Id.*

[31] *See* chapter 9 of the technical support document that accompanied the February 2015 NOPR. (Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0036-0002*). (Last accessed June 6, 2022).

[32] Table of Size Standards—U.S. Small Business Administration (Available at: *www.sba.gov/document/support--table-size-standards*) (Last accessed March 22, 2022).

To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute decorative hearth products and outdoor heaters in the United States.

DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by potential energy conservation standards for consumer MGPs. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size thresholds, that manufacture decorative hearth products and outdoor heaters in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by potential energy conservation standards for consumer MGPs. DOE requests feedback on any potential approaches that could be considered to address impacts on such manufacturers, including small businesses.

DOE requests information regarding the cumulative regulatory burden impacts on manufacturers of decorative hearth products and outdoor heaters associated with: (1) other DOE energy conservation standards applying to different products or equipment that these manufacturers may also make and (2) product-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and whether there are any flexibilities it can consider that would reduce this burden while remaining consistent with the requirements of EPCA.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of energy conservations standards for MGPs. After the close of the comment period, DOE will review the public comments received and may begin collecting data and conducting the analyses discussed in this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies Office 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. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

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

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

Submitting comments via email, 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 in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. 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 telefacsimiles (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 as to 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).

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on June 9, 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 9, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–12786 Filed 6–13–22; 8:45 am]

BILLING CODE 6450–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240, 249, and 274

[Release No. 33–11071; 34–95057; IC–34610; File No. S7–12–15]

RIN 3235–AK99

Reopening of Comment Period for Listing Standards for Recovery of Erroneously Awarded Compensation

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Securities and Exchange Commission (''Commission'') is reopening the comment period for its proposal for Listing Standards for Recovery of Erroneously Awarded Compensation, Exchange Act Release No. 34–75342 (July 1, 2015) (the ''Proposing Release''). The proposed rules would direct the national securities exchanges and national securities associations to establish listing standards that would require each issuer to develop and implement a policy providing for the recovery, under certain circumstances, of incentive-based compensation based on financial information required to be reported under the securities laws that is received by current or former executive officers, and require disclosure of the policy. The Commission reopened the comment period for Proposing Release in the Reopening of Comment Period for Listing Standards for Recovery of Erroneously Awarded Compensation Release, Exchange Act Release No. Release No. 34–93311 (Oct. 14, 2021) (the ''Reopening Release''). The Commission is re-opening the comment period to allow interested persons to analyze and comment on the additional analysis and data on compensation recovery policies and accounting restatements contained in a staff memorandum that was added to the public comment file on June 8, 2022.

DATES: The comment period for the proposed rule published July 14, 2015, at 80 FR 41144, which was initially reopened on October 21, 2021, at 86 FR 58232, is again reopened. Comments should be received on or before July 14, 2022.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/submitcomments.htm*).

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–12–15. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's website (*https://www.sec.gov/rules/proposed.shtml*). Comments also are available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission's public reference room. 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.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on our website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Steven G. Hearne, Senior Special Counsel, in the Office of Rulemaking, at (202) 551–3430, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Section 954 of the Dodd-Frank Act added Section 10D to the Securities Exchange Act of 1934 [1] (''Exchange Act''), which provides that the Commission require national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not develop and implement a policy providing for the recovery of erroneously awarded compensation and for disclosure of that policy. As described more fully in the Proposing Release,[2] under the proposed rules, an issuer would be subject to delisting if it does not adopt a compensation recovery policy that complies with the applicable listing standard, disclose the policy in accordance with Commission rules, and comply with the policy's recovery provisions. The Commission previously reopened the comment period for the Proposing Release to allow interested persons further opportunity to analyze and comment upon the proposed rules in light of developments since the publication of the Proposing Release and our further consideration of the Section 954 mandate.[3] The Reopening Release put forth additional requests for comment on potential revisions to the proposal and sought additional comment on the proposal. The Reopening Release was published for comment in the **Federal Register** on October 21, 2021, and the comment period closed on November 22, 2021.

The staff of the Division of Economic and Risk Analysis has prepared a memorandum that provides additional analysis and data on compensation recovery policies and accounting restatements. Specifically, the staff memorandum (i) discusses the increase in voluntary adoption of compensation recovery policies by issuers; (ii) provides estimates of the number of additional restatements that would trigger a compensation recovery analysis if, as the Commission described in the Reopening Release, the rules were

[1] 15 U.S.C. 78a *et seq.*

[2] *See Listing Standards for Recovery of Erroneously Awarded Compensation,* Release No. 34–75342 (Jul. 1, 2015) [80 FR 41144 (Jul. 14, 2015)].

[3] *See Reopening of Comment Period for Listing Standards for Recovery of Erroneously Awarded Compensation,* Release No. 34–93311 (Oct. 14, 2021) [86 FR 58232 (Oct. 21, 2021] (''Re-opening Release'').

extended to include all required restatements made to correct an error in previously issued financial statements; and (iii) briefly discusses some potential implications for the costs and benefits of the proposed rules.

We believe that the information presented in the memorandum has the potential to be informative for evaluating the proposed rules. We are, therefore, reopening the comment period for an additional 30 days to permit interested parties to comment on the staff memorandum, which has been included in the comment file.

By the Commission.

Dated: June 8, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–12792 Filed 6–13–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2022–0226]

RIN 1625–AA09

Drawbridge Operation Regulation; Milford Haven, Hudgins, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the SR223 (Gwynn's Island) Bridge, across Milford Haven, mile 0.1, at Hudgins, Virginia. This proposed temporary modification will allow the drawbridge to be maintained in the closed-to-navigation position and is necessary to accommodate bridge maintenance. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must reach the Coast Guard on or before July 1, 2022. The Coast Guard anticipates that this proposed rule will be effective from 2 a.m. on August 19, 2022, through 11 p.m. on April 15, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2022–2026 using Federal Decision Making Portal at *https://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Ms. Crystal Tucker, Bridge Administration Branch Fifth District, Coast Guard telephone 757–398–6422, email *Crystal.k.tucker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The Virginian Department of Transportation, who owns and operates the SR223 (Gwynn's Island) Bridge, across Milford Haven, mile 0.1, at Hudgins, Virginia, has requested this modification to allow the drawbridge to be maintained in the closed-to-navigation position to facilitate maintenance of the drawbridge.

The SR223 (Gwynn's Island) Bridge, across Milford Haven, mile 0.1, at Hudgins, Virginia has a vertical clearance of 12 feet above mean high water in the closed position and unlimited vertical clearance above mean high water in the open position. The current operating schedule for the drawbridge is published in 33 CFR 117.5.

This proposed rule is necessary to facilitate safe and effective bridge maintenance of the drawbridge, while providing for the reasonable needs of navigation. Vessels that can safely transit through the bridge in the closed position with the reduced clearance may do so, if at least a thirty-minute notice is given, to allow for navigation safety. The SR223 (Gwynn's Island) Bridge is the only land-based method for access on and off Gwynn's Island, therefore, placing the bridge in the open position to perform extensive bridge maintenance would adversely affect residents on the island.

III. Discussion of Proposed Rule

Under this proposed rule, the drawbridge will be maintained in the closed-to-navigation position twenty-four hours a day, seven days a week from 2 a.m. on August 19, 2022, through 11 p.m. on April 15, 2023. This proposed rule is necessary to accommodate extensive maintenance on the SR223 (Gwynn's Island) Bridge.

The bridge will not be able to open for emergencies and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. Vessels that can safely transit through the bridge in the closed position with the reduced vertical clearance may do so, if at least a thirty-minute notice is given, to allow for navigation safety.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is a result of pre rulemaking coordination with maritime stakeholders including federal agencies. This proposed rule effectively balances the competing interests of land and maritime transportation.

B. Impact on Small Entities

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

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

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

qualifies and how and to what degree this rule would economically affect it.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

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

V. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0226 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Add § 117.1017T to read as follows:

§ 117. 1017T Milford Haven.

The draw of the SR223 (Gwynn's Island) Bridge, mile 0.1, in Hudgins, need not be open for vessels from 2 a.m. on July 19, 2022, through 11 p.m. on April 15, 2023.

Dated: June 8, 2022.

S.N. Gilreath,

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

[FR Doc. 2022–12783 Filed 6–13–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2022–0001]

RIN 2126–AC51

Fees for the Unified Carrier Registration Plan and Agreement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: FMCSA reopens the comment period for its January 24, 2022, NPRM concerning the fees to be collected by the Unified Carrier Registration (UCR) Plan and Agreement for the 2023 year and subsequent registration years. FMCSA received a request for a reopening of the comment period from the Owner-Operator Independent Drivers Association (OOIDA). The Agency finds it is appropriate to reopen the comment period to provide interested parties an opportunity to review comments OOIDA included with its request to reopen the comment period, and certain information provided by the UCR Board in response to a request from FMCSA, after February 23, 2022, the previous deadline for public comments. Therefore, the Agency reopens the record for the submission of comments for 14 days for the limited purpose of allowing comments on the UCR Plan's response.

DATES: The comment period for the NPRM published January 24, 2022, at 87 FR 3489 is reopened for 14 days. Comments must be received on or before June 28, 2022.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2022–0001 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2022-0001/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including information collection comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Riddle, Director, Office of Registration and Safety Information, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *FMCSA-MCRS@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for the NPRM (FMCSA–2022–0001), indicate the specific section of the UCR Plan's response (FMCSA–2022–0001–0010) to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/document/FMCSA-2022-0001-0002,* click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

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 (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the UCR Plan's response contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the UCR Plan's response, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington DC 20590–0001. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2022-0001/document* and choose the document to review. To view comments, click this NPRM, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

DOT solicits comments from the public to better inform its regulatory process, in accordance with 5 U.S.C. 553(c). DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL 14—Federal Docket Management System), which can be reviewed at *https://www.govinfo.gov/content/pkg/FR-2008-01-17/pdf/E8-785.pdf.*

II. Background

The January 24, 2022, NPRM (87 FR 3489) requested public comment on proposed reductions in the annual registration fees collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the UCR Plan and Agreement for the 2023 registration year and subsequent registration years.

The comment period for the NPRM closed on February 23, 2022. After that date, FMCSA contacted the UCR Plan and requested additional information to aid Agency deliberations and decision making in response to a comment submitted to the NPRM. The UCR Plan provided the requested information, and FMCSA placed both its request and the UCR Plan's response in the docket. FMCSA received a request from OOIDA

to reopen the comment period.[1] OOIDA requested the comment period be reopened for ''no less than 60 days'' to allow for review and comment on the response submitted by the UCR Plan. The information submitted by the UCR Plan is clearly related to the recommendation for an adjustment in the fees submitted by the UCR Plan, and the comments already received from OOIDA and others. The Agency is limiting the reopening to 14 days so that it can quickly finalize a rule adjusting UCR Plan and Agreement fees prior to the opening of the registration period on October 1, 2022, for the next registration year beginning on January 1, 2023. Accordingly, FMCSA reopens the comment period until June 28, 2022 for the limited purpose of receiving comments on the data and information submitted by the UCR Plan in its response dated May 9, 2022.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–12737 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] Available in the docket for the rulemaking at *https://www.regulations.gov/document/FMCSA-2022-0001-0011.*

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2021–0057; FF09M30000–223–FXMB1231099BPP0]

RIN 1018–BF07

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2022–23 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter, Service or we) proposes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2022–23 migratory bird hunting season. In issuing this proposed rule, we followed guidelines for establishing special migratory bird hunting regulations for Indian Tribes that recognize the reserved hunting rights and management authority of Indian Tribes while also ensuring that the migratory game bird resource receives necessary protection.

DATES:

Written Comments: You must submit comments on the proposed regulations by July 14, 2022.

Information Collection Requirements: If you wish to comment on the information collection requirements in this proposed rule, please send your comments and suggestions on this information collection by August 15, 2022.

ADDRESSES:

Written Comments: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2021–0057.
- *U.S. Mail:* Public Comments Processing, Attn: FWS–HQ–MB–2021–0057, U.S. Fish and Wildlife Service; MS: PRB (JAO/3W); 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Information Collection Requirements: Send your comments and suggestions on the information collection requirements to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0171 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (202) 208–1050. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg'' of migratory game birds can take place and to adopt regulations for this purpose. These regulations, which are updated annually, must give due regard to ''the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' (16 U.S.C. 704(a)). The Secretary of the Interior has delegated to the Service the lead Federal responsibility for managing and conserving migratory birds in the United States; however, migratory bird management is a cooperative effort of Federal, State, and Tribal governments.

Special Migratory Bird Hunting Regulations for Indian Tribes

In response to Tribal requests for recognition of their reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both Tribal and nontribal members on their reservations, the Service developed guidelines for establishing special migratory bird hunting regulations for Indian Tribes (53 FR 31612, August 18, 1988). The guidelines include possibilities for:

(1) On-reservation hunting by both Tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by Tribal members only, outside of the usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by Tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the closed season on migratory game birds between March 10 and September 1 (exclusive of these dates) mandated by the 1916 Convention between the United States and Great Britain (for Canada/cackling geese) for the Protection of Migratory Birds (Treaty). The guidelines apply to those Tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where Tribes have full wildlife management authority over such

hunting or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal members on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the Tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a Tribe and State with the aim of facilitating an accord. We also will consult jointly with Tribal and State officials in the affected States where Tribes wish to establish special hunting regulations for Tribal members on ceded lands.

Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification: We routinely provide **Federal Register** publications and biological status reports pertaining to migratory bird management and regulations online for all State Directors, Tribes, and other interested parties. It is the responsibility of the States, Tribes, and others to notify us of any concern regarding proposed and final regulations. When we receive such notification, we will initiate consultation.

Our guidelines for establishing special migratory bird hunting regulations for Indian Tribes provide for the continued harvest of waterfowl and other migratory game birds by Tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty and does not adversely affect the status of the migratory bird resource. Before developing the guidelines, we reviewed information on the status of migratory bird populations and Tribal member participation in migratory bird hunting on Federal Indian reservations and evaluated the potential impact of Tribal member hunting on the migratory bird resource. We concluded that the impact of migratory bird harvest by Tribal members hunting on their reservations is minimal.

We conclude the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian Tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. While the guidelines should not be viewed as inflexible, we note that they have been employed successfully since 1985. We should stress here, however, that use of the guidelines is not mandatory, and no action is required if a Tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Hunting Season Proposals From Indian Tribes and Organizations

On August 31, 2021, we published in the **Federal Register** (86 FR 48649) a proposal to amend 50 CFR part 20 to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 2022–23 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. The proposal provided a background and overview of the migratory bird hunting regulations process and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds. The proposed rule also invited proposals from Tribes that want to establish special hunting regulations for the 2022–23 migratory game bird hunting season.

For the 2022–23 migratory game bird hunting season, we received requests from 29 Tribes and Indian organizations for special hunting regulations. In this proposed rule, we respond to these 29 requests, and they are identified in paragraphs *(a)–(cc)* below. We actively solicit regulatory proposals from other Tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage Tribes to work with us to develop agreements for management of migratory bird resources on Tribal lands.

The proposed frameworks for migratory game bird hunting regulations were published in the **Federal Register** on February 2, 2022 (87 FR 5946). As previously discussed, no action is required by Tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located.

Below are the proposed special migratory bird hunting regulations for the 2022–23 seasons based on requests from Tribes that meet the established criteria or have recently proposed special hunting regulations. Before developing the proposed hunting regulations, we reviewed information on the status of migratory bird populations and expected harvest associated with these regulations and evaluated the potential impact of this harvest on the migratory bird resource. We concluded that the impact of migratory bird harvest associated with these special regulations is minimal, and we propose to approve all the Tribal requests.

(a) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal and Nontribal Members)

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990, which addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation.

As in the past, Tribal regulations for nontribal members would be at least as restrictive as Federal frameworks for the Pacific Flyway portion of Montana. Goose, duck, and coot season dates would also be at least as restrictive as Federal frameworks for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel shot or other federally approved nontoxic shot are the only legal shotgun loads allowed on the reservation for waterfowl or other game bird hunting.

For Tribal members, the Tribe requested duck and goose seasons September 1, 2022, through March 10, 2023. Daily bag and possession limits were not proposed for Tribal members.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that a large majority of the harvest is by nontribal members.

(b) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for Tribal members. The Fond du Lac's proposal covers land set apart for the band under the Treaties of

1837 and 1854 in northeastern and east-central Minnesota and the Band's Reservation near Duluth.

The band's requested 2022–23 seasons are essentially the same as those approved last year. The requested 2022–23 waterfowl hunting season regulations for Fond du Lac are as follows:

Ducks

A. 1854 and 1837 Ceded Territories:

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 18 ducks, including no more than 12 mallards or 9 of any other species.

B. Reservation:

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 12 ducks, including no more than 8 mallards or 6 of any other species.

Mergansers

A. 1854 and 1837 Ceded Territories:

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 15 mergansers, including no more than 6 hooded mergansers.

B. Reservation:

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 10 mergansers, including no more than 4 hooded mergansers.

Canada/Cackling Geese: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 20 Canada/cackling geese.

Sandhill Cranes: 1854 and 1837 Ceded Territories Only

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 3 sandhill cranes. A crane carcass tag is required prior to hunting.

Tundra and Trumpeter Swans: Reservation Only

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 2 swans. Swan carcass tags are required prior to hunting.

Coots and Common Gallinules: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 20 coots and common gallinules in the aggregate.

Sora and Virginia Rails: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 25 sora and Virginia rails in the aggregate.

Snipe: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 8 snipe.

Woodcock: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 3 woodcock.

Mourning Doves: All Areas

Season Dates: September 1–November 30, 2022.

Daily Bag Limit: 30 mourning doves.

The following general conditions apply:

1. While hunting waterfowl, a Tribal member must carry on his/her person a valid Ceded Territory License.

2. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset.

3. Except as otherwise noted, Tribal members will be required to comply with Tribal codes that will be no less restrictive than the provisions of chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting.

4. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. There are no possession limits for migratory birds. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a Tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The band anticipates harvest will be fewer than 250 ducks and geese, and fewer than 10 sandhill cranes and 10 trumpeter swans.

(c) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized Tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2022–23 season, the Tribe requested a duck season during September 1, 2022, through January 20, 2023. The daily bag limit would be 35 ducks and include no more than 8 pintail, 4 canvasbacks, 5 hooded mergansers, 8 black ducks, 10 wood ducks, 8 redheads, and 20 mallards (only 10 of which may be females).

For Canada/cackling geese and snow geese, the Tribe requested a season during September 1, 2022, through February 15, 2023. For white-fronted geese and brant, the Tribe requested a season during September 20 through December 30, 2022. The daily bag limit for Canada/cackling geese and snow geese would be 15 of each/in the aggregate, and the daily bag limit for white-fronted geese, including brant, would be 5 of each/in the aggregate. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada/cackling geese from the Southern James Bay Population will be harvested by the Tribe.

For woodcock, the Tribe proposes a season during September 1 through November 14, 2022. The daily bag limit will not exceed 5 woodcock.

For mourning doves, the Tribe proposes a season during September 1 through November 14, 2022. The daily bag limit would be 25 mourning doves.

For sandhill cranes, the Tribe proposes a season during September 1 through November 14, 2022. The daily bag limit would be 2 and a season limit of 4 sandhill cranes.

For snipe and rails (sora and Virginia Rail), the Tribe proposes a season during September 1 through November 14, 2022. The daily bag limit would be 10 of each species.

Shooting hours would be from one-half hour before sunrise to one-half hour after sunset. All other Federal regulations contained in 50 CFR part 20 would apply including required use of nontoxic shot. The Tribe proposes to monitor harvest through game bag checks, patrols, and mail surveys. Harvest surveys from the 2013–14 hunting season indicated that approximately 30 Tribal members harvested an estimated 100 ducks and 45 Canada/cackling geese.

(d) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized, off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), an intertribal agency exercising delegated natural resource management and regulatory authority from its member Tribes in portions of Wisconsin, Michigan, and Minnesota. Beginning in 1986, a Tribal season on ceded lands in the western portion of the Michigan Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources. We have approved regulations for Tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, GLIFWC requested, and we approved, regulations to permit Tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin originally concurred with the regulations, although both Wisconsin and Michigan have raised various concerns over the years. Minnesota did not concur with the original regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. In 1999, the U.S. Supreme Court upheld the existence of the Tribes' treaty reserved rights in *Minnesota* v. *Mille Lacs Band,* 199 S. Ct. 1187 (1999).

We acknowledge all of the States' concerns but point out that the U.S. Government has recognized the Indian treaty reserved rights, and that acceptable hunting regulations have been successfully implemented in Minnesota, Michigan, and Wisconsin. Consequently, in view of the above, we have approved regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of treaty reserved rights for band members to hunt and fish was pivotal in our decision to approve a 1991–92 season for the 1836 ceded area in Michigan. Since then, in the 2007 Consent Decree, the 1836 Treaty Tribes and the Michigan Department of Natural Resources and Environment established court-approved regulations pertaining to off-reservation hunting rights for migratory birds.

For 2022, GLIFWC proposes off-reservation special migratory bird hunting regulations on behalf of the member Tribes of the Voigt Intertribal Task Force of GLIFWC (for the 1837 and 1842 Treaty areas in Wisconsin and Michigan), the Mille Lacs Band of Ojibwe and the six Wisconsin Bands (for the 1837 Treaty area in Minnesota), and the Bay Mills Indian Community (for the 1836 Treaty area in Michigan). Member Tribes of the Task Force are as follows:

Wisconsin	Minnesota	Michigan
Bad River Band of the Lake Superior Tribe of Chippewa Indians.	Mille Lacs Band of Chippewa Indians	Lac Vieux Desert Band of Chippewa Indians.
Lac Courte Oreilles Band of Lake Superior Chippewa Indians.	Fond du Lac Band of Lake Superior Chippewa Indians.	Keweenaw Bay Indian Community.
Lac du Flambeau Band of Lake Superior Chippewa Indians.		
Red Cliff Band of Lake Superior Chippewa Indians.		
St. Croix Chippewa Indians of Wisconsin.		
Sokaogon Chippewa Community (Mole Lake Band).		

This year, GLIFWC requested operational use of enhanced methods of take (electronic calls and handheld nets) beginning with the 2022–23 hunting season in the 1837 and 1842 Treaty Areas. These methods were authorized over the past three hunting seasons as part of an experimental season; however, limited use of these methods by Tribal hunters made evaluation of their use difficult. The Service agreed to allow use of these enhanced methods of take for the next two hunting seasons to aid in evaluation, and a Memorandum of Agreement (MOA) is being developed with GLIFWC.

Under GLIFWC's proposed 2022–23 regulations, GLIFWC expects total ceded territory harvest to be approximately 2,000 to 3,000 ducks, 500 to 900 geese, fewer than 60 sandhill cranes, and 25 swans (trumpeter and tundra in the aggregate), based on the results from the 5 most recent harvest surveys.

Harvest surveys conducted after the 1996, 1997, 1998, 2001, 2004, 2007, 2008, 2011, 2012, 2015, 2018, 2019 and 2020 Tribal seasons indicate that Tribal off-reservation harvest has averaged approximately 1,500 ducks and 375 geese annually during this period. Due to the limited distribution of doves and dove habitat in the ceded territory, and the relatively small number of Tribal off-reservation migratory bird hunters, dove harvest is negligible. Two sandhill cranes were reported harvested in each of the first three Tribal crane seasons (2012–2014), 3 in 2015, 0 in 2016, 15 in 2017, 31 in 2018, 24 in 2019, and 36 in 2020. No swans were harvested in the first three Tribal swan seasons (2014–2016), but two swans were harvested in 2017 and 2018, respectively, nine in 2019, and none in 2020. All swans harvested have been trumpeters.

The proposed 2022–23 waterfowl hunting season regulations apply to all treaty areas (except where noted) for GLIFWC as follows:

Ducks

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 50 ducks in the 1837 and 1842 Treaty Area; 30 ducks in the 1836 Treaty Area.

Mergansers

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 10 mergansers.

Geese

Season Dates: September 1–December 31, 2022. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting outside of these dates will also be open concurrently for Tribal members.

Daily Bag Limit: 20 geese in the aggregate.

Other Migratory Birds

A. Coots and Common Gallinules:

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 20 coots and common gallinules in the aggregate.

B. Sora and Virginia Rails:

Season Dates: September 1–December 31, 2022.

Daily Bag and Possession Limits: The daily bag limit is 20 sora and Virginia rails in the aggregate, and the possession limit is 25 sora and Virginia rails in the aggregate.

C. Snipe:

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 16 snipe.

D. Woodcock:

Season Dates: 1836 Ceded Territory: September 1–December 31, 2022; 1837 and 1842 Ceded Territories: September 3–December 31, 2022.

Daily Bag Limit: 10 woodcock.

E. Mourning Doves: 1837 and 1842 Ceded Territories only.

Season Dates: September 1–November 29, 2022.

Daily Bag Limit: 15 mourning doves.

F. Sandhill Cranes:

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 10 sandhill cranes and no seasonal bag limit in the 1837 and 1842 Treaty areas; 3 sandhill cranes and no seasonal bag limit in the 1836 Treaty area.

G. Swans: 1837 and 1842 Ceded Territories only.

Season Dates: September 1–December 31, 2022.

Daily Bag Limit: 5 swans. All harvested swans must be registered by presenting the fully feathered carcass to a Tribal registration station or GLIFWC warden. If the total number of trumpeter swans harvested reaches 20, the swan season will be closed by emergency Tribal rule.

General Conditions

A. All Tribal members will be required to obtain a valid Tribal waterfowl hunting permit.

B. Except as otherwise noted, Tribal members will be required to comply with Tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin (Voigt)* and *Mille Lacs Band* v. *State of Minnesota* cases. Chapter 10 in each of these model codes regulates ceded territory migratory bird hunting. Both versions of chapter 10 parallel Federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting. They also automatically include by reference the Federal migratory bird regulations adopted in response to this proposal.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all waterfowl hunting by Tribal members.

2. Tribal members in each zone will comply with Tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

3. There are no possession limits, with the exception of 25 rails (in the aggregate) and 20 trumpeter swans total. For purposes of enforcing bag limits, all migratory birds in the possession and custody of Tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a Tribal or State conservation warden as taken on reservation lands. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

4. There are no shell limit restrictions.

5. Hunting hours are from 30 minutes before sunrise to 30 minutes after sunset, except that, within the 1837 and 1842 Ceded Territories, hunters may use non-mechanical nets or snares that are operated by hand to take those birds subject to an open hunting season at any time (see further proposed regulations below). Capturing, without the aid of other devices (*i.e.,* by hand), and immediately killing birds subject to an open season may also be done regardless of the time of day.

6. Within the 1837 and 1842 Ceded Territories, Tribal members will be allowed to use electronic calls. Individuals using these devices will be required to complete a hunt survey for each hunt where electronic calls are used. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; if other hunters were in the area, any interactions with other hunters; and other information deemed appropriate. Survey results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this application will be replicated for 2 years (through the 2023–24 season), after which a full evaluation would be completed.

7. Within the 1837 and 1842 Ceded Territories, Tribal members will be allowed to use non-mechanical, hand-operated nets (*i.e.,* throw/cast nets or handheld nets typically used to land fish) and hand-operated snares and may chase and capture migratory birds without the aid of hunting devices (*i.e.,* by hand). At this time, non-attended nets or snares will not be authorized under this regulation. Tribal members using nets or snares to take migratory birds, or taking birds by hand, will be required to complete a hunt survey for each hunt where these methods are used; and they will be required to submit the data to the Commission when requested at the end of the season. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; and other information deemed appropriate. Results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this application will be replicated for 2 years (through the 2023–24 season), after which a full evaluation would be completed.

(e) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Members)

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for Tribal members and nonmembers since the 1986–87 hunting season. The Tribe owns all lands on the reservation and has recognized full wildlife management authority.

The Tribe requested a 2022–23 waterfowl season during October 8 through November 30, 2022. Daily bag and possession limits for waterfowl would be the same as the Federal frameworks for the Pacific Flyway portion of New Mexico, except that the Tribe requested daily bag and possession limits for Canada/cackling geese of two and four, respectively. Other regulations specific to the Pacific Flyway portion of New Mexico would be in effect.

During the Jicarilla Game and Fish Department's 2019 season, estimated duck harvest was 205. The species composition included mainly mallards, and gadwall. The estimated harvest of geese was nine birds.

The proposed regulations are essentially the same as were established last year. The Tribe anticipates the maximum 2022–23 waterfowl harvest would be around 200 ducks and 20 geese.

(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Members)

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The Tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The Tribe enjoys excellent wildlife management relations with the State. The Tribe and the State have an operational memorandum of understanding with emphasis on fisheries but also for wildlife.

The nontribal member seasons described below would pertain to a 176-acre waterfowl management unit and 800 acres of reservation land. Hunters must be accompanied by a guide from the Tribe. The Tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

The Kalispel Tribe requested duck and goose seasons for Tribal members only on reservation lands with dates consistent with Federal framework dates (September 24, 2022–January 31, 2023).

For nontribal members on Tribally managed lands, the Tribe requested duck and goose seasons with the earliest possible opening date and to remain open for the maximum number of days allowed by Federal frameworks (107 days from September 24, 2022–January 8, 2023). The Tribe requested a season for ducks during September 24–25, 2022, and during October 1, 2022, through January 8, 2023. Hunters should obtain further information on specific hunt days from the Kalispel Tribe.

For nontribal members, the daily bag and possession limits would be the same as those for the duck and goose season in the State of Washington.

The Tribe reports past nontribal member harvest of 1.5 ducks per day. Under the proposal, the Tribe expects harvest to be similar to last year, that is, fewer than 100 geese and 160 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of nontoxic shot and possession of a signed Migratory Bird Hunting and Conservation Stamp (Duck Stamp), would apply.

For Tribal members on Kalispel-ceded lands, the Kalispel Tribe requested a duck season during October 1, 2022, through January 31, 2023, and a goose season during September 3, 2022, through January 31, 2023. Daily bag and possession limits would be consistent with those for the State of Washington.

The Tribe reports that there was no harvest by Tribal members in 2021–22. Under the proposal, the Tribe expects harvest to be fewer than 200 birds total for the season. Tribal members would be required to possess a signed Federal Duck Stamp and a Tribal ceded lands permit.

(g) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864 and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon, and the Klamath Tribe. The Klamath Indian Game Commission sets the seasons. The Tribal biological staff and Tribal regulatory enforcement officers monitor Tribal harvest by frequent bag checks and hunter interviews.

The Tribe requested duck and goose seasons during October 5, 2022, through January 31, 2023. Daily bag limits would be nine ducks, nine geese, and nine coots, with possession limits two times the daily bag limit. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, this year's harvest would be similar to last year's. Past information on Tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

(h) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)

The Leech Lake Band of Ojibwe is a federally recognized Tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the Tribe have cooperatively established migratory bird hunting regulations since 2000.

The Tribe requested a duck season during September 3 through December 31, 2022, and a goose season during September 3 through December 31, 2022. Daily bag limits for ducks would be 10 ducks, including no more than 5 pintail, 5 canvasbacks, and 5 black ducks. Daily bag limits for geese would be 10 geese. Possession limits would be two times the daily bag limit.

Shooting hours are one-half hour before sunrise to one-half hour after sunset. Only steel or other approved nontoxic shot may be used to harvest waterfowl. Waterfowl may not be pursued or taken while under the power of a motorized watercraft. Use of live decoys, bait, and commercial use of migratory birds is prohibited. No hunting will be allowed on or near a wild rice bed that is being actively harvested. No travel by boat is allowed within a wild rice bed. Nonnative species must be removed from watercraft and hunting equipment before leaving an access point. Several waterfowl refuges are closed to the taking of waterfowl.

The annual harvest by Tribal members on the Leech Lake Reservation is estimated at 250 to 500 birds.

(i) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)

The Little River Band of Ottawa Indians (LRBOI) is a self-governing, federally recognized Tribe located in Manistee, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee, and Wexford Counties. The Band proposes regulations to govern the hunting of migratory birds by Tribal members within the 1836 Ceded Territory as well as on the Band's Reservation.

LRBOI requested a duck and merganser season from September 1, 2022, through January 31, 2023. The daily bag limit would be 12 ducks and include no more than 2 pintail, 4 canvasbacks, 4 black ducks, 6 wood ducks, 4 redheads, 8 mallards (only 4 of which may be female), 10 common and red-breasted mergansers, and 2 hooded mergansers. Possession limits would be three times the daily bag limit.

For coots and gallinules, the Tribe requested a season during September 14, 2022, through January 31, 2023. Daily bag limits would be 30 coots and gallinules and 60 in possession.

For geese, the Tribe requested a season during September 1, 2022, through February 15, 2023. Daily bag limits would be 10 geese.

For woodcock, snipe, and rails (sora and Virginia), the Tribe requested a

season during September 1, 2022, through December 31, 2022. The daily bag limit would be 5 woodcock and 25 snipe or rails in the aggregate. Possession limits for all species would be three times the daily bag limit.

For mourning doves, the Tribe requested a season during September 1, 2022, through March 1, 2023, with a daily bag limit of 25 mourning doves. The possession limit would be three times the daily bag limit.

For sandhill cranes, the Tribe requested a season during September 1, 2022, through December 31, 2022, with a daily bag limit of two sandhill cranes. The possession limit would be three times the daily bag limit.

The Tribe monitors harvest through mail surveys.

General conditions are as follows:

A. All Tribal members will be required to obtain a valid Tribal resource card and 2022–23 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20. Shooting hours will be from one-half hour before sunrise to sunset.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all waterfowl hunting by Tribal members.

2. Tribal members in each zone will comply with Tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

D. Tribal members hunting in Michigan will comply with Tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

(j) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)

The Little Traverse Bay Bands of Odawa Indians (LTBB) is a self-governing, federally recognized Tribe located in Petoskey, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2022–23 season, the LTBB requested regulations similar to those of other Tribes in the 1836 treaty area. The LTBB requested regulations to govern the hunting of migratory birds by Tribal members on the LTBB reservation and within the 1836 Treaty Ceded Territory. The duck and merganser season would be during September 1, 2022, through January 31, 2023. The daily bag limit would be 20 ducks and 10 mergansers and would include no more than 5 female mallards, 5 pintail, 5 canvasbacks, 5 scaup, 5 hooded mergansers, 5 black ducks, 5 wood ducks, and 5 redheads. Possession limits would be two times the daily bag limit.

For Canada/cackling geese, the LTBB requested a season during September 1, 2022, through February 8, 2023. The daily bag limit would be 20 Canada/cackling geese. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada/cackling geese from the Southern James Bay Population would be harvested by the LTBB. Possession limits are twice the daily bag limit.

For woodcock, the LTBB requested a season during September 1 through December 1, 2022. The daily bag limit will not exceed 10 woodcock. For snipe, the LTBB requested a season during September 1 through December 31, 2022. The daily bag limit will not exceed 15 snipe. For mourning doves, the LTBB requested a season during September 1 through November 14, 2022. The daily bag limit will not exceed 15 mourning doves. For sora and Virginia rails, the LTBB requested a season during September 1 through December 31, 2022. The daily bag limit will not exceed 20 sora and 20 Virginia rails. For coots and gallinules, the LTBB requested a season during September 1 through December 31, 2022. The daily bag limit would not exceed 20 coots and 20 gallinules. The possession limits would be two times the daily bag limits.

The LTBB also proposes a sandhill crane season during September 1 through December 1, 2022. The daily bag limit would be two sandhill cranes. The possession limit would be two times the daily bag limit.

All other Federal regulations contained in 50 CFR part 20 would apply, except the Tribe proposes the use of electronic calls for all species proposed. The Tribe has agreed to extend the experimental MOA with the Service regarding the use of electronic calling through the 2022–23 season.

The LTBB proposes to monitor harvest through game bag checks, patrols, and mail surveys. In particular, the LTBB proposes monitoring the harvest of Southern James Bay Canada/cackling geese and sandhill cranes to assess any impacts of Tribal hunting on the population.

(k) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Members)

The Lower Brule Sioux Tribe first established Tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via an MOA with the State of South Dakota. The MOA provided the Tribe jurisdiction over fish and wildlife on reservation lands, including deeded and U.S. Army Corps of Engineers-taken lands. For the 2022–23 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to Tribal and nontribal members.

For the 2022–23 migratory bird hunting season, the Lower Brule Sioux Tribe requested a nontribal member duck, merganser, and coot season length of 97 days, or the maximum number of days allowed by Federal frameworks in the High Plains Management Unit for this season. The Tribe proposes a duck season during October 1, 2022, through January 5, 2023. The daily bag limit would be six ducks (including merganser) or the maximum number that Federal frameworks allow, including no more than two female mallards and five mallards in total, two pintail, two redheads, two canvasbacks, three wood duck, three scaup, and one mottled duck. Two bonus blue-winged teal are allowed during October 1–16, 2022. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe requested a nontribal member Canada/cackling goose season during October 29, 2022, through February 12, 2023 (107-day season length), with a daily bag limit of six Canada/cackling geese. The Tribe requested a nontribal member white-fronted goose season during October 22, 2022, through January 17, 2023, with a daily bag limit of two white-fronted geese and possession limit of three times the daily bag limit. The Tribe requested a nontribal-member light goose season during October 22, 2022, through February 5, 2023. The daily bag limit would be 20 light geese, or the maximum number that Federal

frameworks allow, with no possession limits.

The Tribe requested a dove season for nontribal members during September 1, 2022, through November 29, 2022. The daily bag limit would be 15 doves and possession limit three times the daily bag limit.

For Tribal members, the Lower Brule Sioux Tribe requested a duck, merganser, and coot season during September 1, 2022, through March 10, 2023. The daily bag limit would be six ducks, including no more than two female mallards and five mallards in total, one pintail, two redheads, two canvasbacks, three wood ducks, three scaup, two bonus teal during the first 16 days of the season, and two mottled ducks or the maximum number that Federal frameworks allow. The daily bag limit for mergansers would be five, only two of which could be hooded mergansers. The daily bag limit for coots is 15. Possession limits would be three times the daily bag limits.

The Tribe requested a Canada/cackling goose season for Tribal members during September 1, 2022, through March 10, 2023, with a daily bag limit of six Canada/cackling geese. The possession limit would be three times the daily bag limit. The Tribe requested a white-fronted goose season for Tribal members during September 1, 2022, through March 10, 2023, with a daily bag limit of two white-fronted geese and a possession limit of three times the daily bag limit, or the maximum limits that Federal regulations allow. The Tribe requested a light goose season for Tribal members during September 1, 2022, through March 10, 2023. The daily bag limit would be 20 light geese, or the maximum number that Federal frameworks allow, with no possession limits.

The Tribe requested a dove season for Tribal members during September 1, 2022, through January 31, 2023. The daily bag limit would be 15 doves, and the possession limit would be three times the daily bag limit.

In the 2020 season, nontribal members harvested 125 geese and 821 ducks. Estimated duck harvest was 45 percent higher than the average harvest from 1993 through 2019. Goose harvest was 70 percent lower than the 1993–2019 average. Tribal members harvested approximately 119 ducks and 64 geese in 2020.

The Tribe anticipates a duck and goose harvest similar to those of the previous years. All basic Federal regulations contained in 50 CFR part 20, including the use of nontoxic shot, Duck Stamps, etc., would apply. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

(l) Lower Elwha Klallam Tribe, Port Angeles, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which Lower Elwha was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes are now acting independently, and it is our understanding that the Lower Elwha Klallam Tribe would like to establish migratory bird hunting regulations for Tribal members for the 2022–23 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2022–23 season, the Tribe requested special migratory bird hunting regulations for ducks (including merganser), geese, coots, band-tailed pigeons, snipe, and mourning doves. The Lower Elwha Klallam Tribe requested a duck and coot season during September 4, 2022, through January 2, 2023. The daily bag limit would be seven ducks, including no more than two female mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit of harlequin ducks is one per season. The coot daily bag limit would be 25. The possession limit would be two times the daily bag limit, except as noted above.

For geese, the Tribe requested a season during September 4, 2022, through January 2, 2023. The daily bag limit would be four geese, including no more than three light geese. The season on Aleutian Canada/cackling geese would be closed.

For brant, the Tribe requested to maintain a closed season.

For mourning doves and band-tailed pigeon, the Tribe requested seasons during September 1, 2022, through February 27, 2023, with a daily bag limit of 10 mourning doves, and 2 band-tailed pigeons. The possession limits would be two times the daily bag limits.

For snipe, the Tribe requested a season during September 4, 2022, through January 2, 2023, with a daily bag limit of eight snipe. The possession limit would be two times the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a Tribal hunting permit from the Lower Elwha Klallam Tribe pursuant to Tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe reported no harvest in 2020–21 or 2021–22 and anticipates harvest to be fewer than 10 birds. Tribal reservation police and Tribal fisheries enforcement officers have the authority to enforce these migratory bird hunting regulations for the Lower Elwha Klallam Tribe.

(m) Makah Indian Tribe, Neah Bay, Washington (Tribal Members Only)

The Makah Indian Tribe and the Service have been cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation since the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the State of Washington Game Management Units 601–603.

The Makah Indian Tribe requested a duck and coot season from September 24, 2022, through January 31, 2023. The daily bag limit would be seven ducks, including no more than seven mallards (only two female mallards), two canvasbacks, one pintail, three scaup, and two redheads. The daily bag limit for coots would be 25. The Tribe has a year-round closure on wood ducks and harlequin ducks. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

For geese, the Tribe proposes a season during September 24, 2022, through January 31, 2023. The daily bag limit would be 4 Canada/cackling geese, 10 white-fronted geese, 10 light geese, and 2 brant. The Tribe notes that there is a year-round closure on dusky Canada geese.

For band-tailed pigeons, the Tribe requested a season during September 15 through September 23, 2022. The daily bag limit would be two band-tailed pigeons.

The Tribe anticipates that harvest under these regulations would be relatively low since there are no known dedicated waterfowl hunters and any harvest of waterfowl or band-tailed pigeons is usually incidental to hunting for other species, such as deer, elk, and bear. The Tribe expects fewer than 50 ducks and 10 geese to be harvested during the 2022–23 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

1. As per Makah Ordinance 44, only shotguns may be used to hunt any

species of waterfowl. Additionally, shotguns must not be discharged within 300 feet of an occupied building, occupied area, or active logging operation.

2. Hunters must be eligible enrolled Makah Tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. See Makah General Hunting Regulations.

3. The Makah Reservation Area is open except in designated wilderness areas, or within 1 mile of Cape Flattery and Shi-Shi Trails, or in any area that is closed to hunting by another ordinance or regulation.

4. The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

5. Only approved nontoxic shot is allowed for waterfowl; the use of lead shot is prohibited.

6. The use of dogs is permitted to hunt all species under this regulation.

7. Hunters must report any neck or leg bands placed by the Federal Government to Natural Resources Enforcement or by calling 1–800–327–BAND.

(n) Muckleshoot Indian Tribe, Auburn, Washington (Tribal Members Only)

The Muckleshoot Tribe is a federally recognized Tribe with reserved hunting rights under the Treaty of Medicine Creek 1854 and Treaty of Point Elliott 1855. Hunting occurs within the treaty areas as well as on lands traditionally hunted by the Muckleshoot Indian Tribe.

The Muckleshoot Indian Tribe requested a duck, merganser, and coot season during September 1, 2022, through March 10, 2023. The daily bag limit would be seven, including no more than two female mallards, two canvasbacks, two pintail, three scaup, two redheads, two scoters, two long-tailed ducks, and two goldeneyes. The daily bag limit for coots would be 25. The limit on harlequin ducks would be one per season.

For geese, the Tribe requested a season during September 1, 2022, through March 10, 2023. The daily bag limit would be 4 Canada/cackling geese, 6 light geese, 10 white-fronted geese, and 2 brant. The season on dusky Canada geese would be closed.

For band-tailed pigeons, mourning doves, and snipe, the Tribe requested seasons during September 1, 2022, through March 10, 2023. The daily bag limits would be 2 band-tailed pigeons, 15 mourning doves, and 8 snipe. The possession limits would be three times the daily bag limits on all species unless otherwise noted.

The Tribe anticipates that harvest under this regulation will be relatively low since no known harvest has occurred over the past 20 years, and there are no known dedicated waterfowl or other migratory bird hunters. Harvest will be for personal cultural and subsistence purposes. We anticipate fewer than 100 ducks and 100 geese may be harvested.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

1. Hunting can occur on reservation and off reservation on lands where the Tribe has treaty-reserved hunting rights or has documented traditional use.

2. Shooting hours for all species of waterfowl are one-half hour before sunrise to one-half after sunset.

3. Hunters must be eligible enrolled Muckleshoot Tribal members and must carry their Tribal identification while hunting.

4. Tribal members hunting migratory birds must also have a combined Migratory Bird Hunting Permit and Harvest Report Card.

5. The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

6. Hunting for migratory birds is with shotgun only. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

(o) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal members)

Since 1985, we have established uniform migratory bird hunting regulations for Tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

For Tribal and nontribal members for the 2022–23 season, the Tribe requested the earliest opening dates with a split season to end on the last day for ducks, mergansers, Canada/cackling geese, and coot seasons, and the same daily bag and possession limits allowed by Federal frameworks in Arizona.

For mourning dove, the Navajo Nation requested seasons during September 1–30, 2022, with daily bag limits of 10 mourning doves. For band-tailed pigeon, the Navajo Nation requested seasons during September 1–14, 2022, with daily bag limits of two band-tailed pigeons. Possession limits would be two times the daily bag limits.

The Nation requires Tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter aged 16 or older must carry on his/her person a valid Duck Stamp, which must be signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The Tribe anticipates a total harvest of fewer than 500 mourning doves; fewer than 10 band-tailed pigeons; fewer than 1,000 ducks, merganser, and coot; and fewer than 1,000 Canada/cackling geese for the 2022–23 season. The Tribe measures harvest by mail survey forms. Through the established Navajo Nation Code, titles 17 and 18, and 23 U.S.C. 1165, the Tribe will take action to close the season, reduce bag limits, or take other appropriate actions if the harvest is detrimental to the migratory bird resource.

(p) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by Tribal and nontribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced the Tribe's hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin, and the majority of the seasons and limits are the same for the Tribe and Wisconsin.

For the 2022–23 season, the Tribe requested special migratory bird hunting regulations. For ducks, the Tribe requested a season during September 10 through December 4, 2022. The daily bag limit would be six ducks, which could include no more than three female mallards, two redheads, two pintails, and two hooded mergansers. The possession limit would be 24 ducks in the aggregate.

For geese, the Tribe requested a season during September 1 and December 31, 2022, with a daily bag limit of 5 geese species (Canada/cackling geese, snow/blue geese, Ross's geese, and brant) and 20 in the aggregate. If 500 geese are harvested before the season concludes, the Tribe will recommend closing the season early.

For woodcock, the Tribe requested a season during September 1 through

November 6, 2022, with a daily bag and possession limit of two and four, respectively.

For mourning dove, the Tribe requested a season during September 1 through November 6, 2022, with a daily bag and possession limit of 10 and 20, respectively.

Shooting hours would be one-half hour before sunrise to 15 minutes after sunset. Nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including shooting hours of one-half hour before sunrise to sunset, season dates, and daily bag limits. Tribal members and nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Oneida members would be exempt from the purchase of the Duck Stamp; and shotgun capacity is not limited to three shells.

(q) Point No Point Treaty Council Tribes, Kingston, Washington (Tribal Members Only)

Point No Point Treaty Council Tribes (Council) consists of the Port Gamble S'Klallam Tribe and Jamestown S'Klallam Tribe. The two Tribes have reservations and ceded areas in northwestern Washington State and are the successors to the signatories of the Treaty of Point No Point of 1855. The requested special migratory bird hunting regulations for the 2022–23 season would apply to Tribal members both on and off reservations within the Point No Point Treaty Areas; however, the Port Gamble S'Klallam and Jamestown S'Klallam Tribal season dates differ only where indicated below.

The Council requested a duck, merganser, and coot season during September 1, 2022, through March 10, 2023. The daily bag limit would be seven ducks and mergansers. The daily bag and possession limits on harlequin ducks would be one per season. The daily bag limit for coots would be seven. Possession limits would be three times the daily bag limits.

For geese, the Council requested a season during September 1, 2022, through March 10, 2023. The daily bag limits for Canada/cackling geese, light geese, and white-fronted geese would be 5, 6, and 10, respectively. The Council notes that there is a year-round closure on dusky Canada geese. For brant, the Council proposes a season during January 1 through January 31, 2023, for the Port Gamble S'Klallam Tribe, and during January 15 through January 31, 2023, for the Jamestown S'Klallam Tribe. The daily bag limit for brant would be two. Possession limits would be three times the daily bag limits.

For band-tailed pigeons, the Council requested a season during September 15 through November 30, 2022. The daily bag limit would be two band-tailed pigeons. For snipe, the council requested a season during September 1, 2022, through March 10, 2023. The daily bag limit would be eight snipe. For mourning dove, the Council requested a season during September 1, 2022, through March 10, 2023. The daily bag limit would be 10 mourning doves. Possession limits would be three times the daily bag limits.

The Council anticipates a total harvest of fewer than 100 birds for the 2022–23 season. The Tribal fish and wildlife enforcement officers have the authority to enforce these Tribal regulations.

(r) Saginaw Tribe of Chippewa Indians, Mt. Pleasant, Michigan (Tribal Members Only)

The Saginaw Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, located on the Isabella Reservation lands bound by Saginaw Bay in Isabella and Arenac Counties, Michigan.

For ducks, merganser, and snipe, the Tribe requested a season during September 1, 2022, through January 31, 2023. The daily bag limit would be 20 ducks, which could include no more than five each of the following: female mallards, wood ducks, black ducks, pintail, redhead, scaup, and canvasbacks. The possession limit would be 40 ducks. The daily bag limit for mergansers would be 10, no more than 5 of which may be hooded mergansers, and for snipe would be 16.

For geese, coots, gallinules, soras, and Virginia rails, the Tribe requested a season during September 1, 2022, through January 31, 2023. The daily bag limit for geese would be 20. The daily bag limit for coots, gallinules, soras, and Virginia rails would be 20 in the aggregate.

For woodcock and mourning doves, the Tribe requested a season during September 1, 2022, through January 31, 2023, with daily bag limits of 10 and 25, respectively.

For sandhill cranes, the Tribe requested a season during September 1, 2022, through January 31, 2023, with a daily bag limit of one.

All Saginaw Tribe members exercising hunting treaty rights are required to comply with Tribal Ordinance 11. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

(s) Sauk-Suiattle Indian Tribe, Darrington, Washington (Tribal Members Only)

The Sauk-Suiattle Indian Tribe (SSIT) requested a 2022–23 hunting season on all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855. The Tribe's reservation is located in Darrington, Washington, just west of the North Cascade Mountain range in Skagit County on the Sauk and Suiattle Rivers. The Tribe owns and manages all the land on the reservation and some lands surrounding or near the reservation in Skagit and Snohomish Counties. All of the lands that are Tribal or reservation lands are closed for nontribal hunting, unless opened by an SSIT special regulation.

The Tribe requested a season for ducks, geese, brant, coots, mourning doves, and band-tailed pigeons during September 1, 2022, through March 10, 2023. The daily bag limit would be 20 ducks, 10 geese, 5 brant, and 25 coots. The daily bag limit for mourning doves and band-tailed pigeons would be 20 in the aggregate. The possession limit is two times the daily bag limits.

Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

(t) Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan (Tribal Members Only)

The Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, distributed throughout the eastern Upper Peninsula and northern Lower Peninsula of Michigan. The Tribe has retained the right to hunt, fish, trap, and gather on the lands ceded in the Treaty of Washington (1836).

The Tribe requested special migratory bird hunting regulations for the 2022–23 season. For ducks, merganser, and snipe, the Tribe requested a season during September 1 through December 31, 2022. The daily bag limit would be 20 ducks, which could include no more than 10 mallards (5 female mallards), 5 wood ducks, 5 black ducks, and 5 canvasbacks. The daily bag limit for mergansers would be 10 and 20 in the aggregate, and for snipe 16 and 32 in the aggregate.

For geese, coots, gallinules, soras, and Virginia rails, the Tribe requested a season during September 1 through December 31, 2022. In addition, any

portion of the ceded territory that is open to State-licensed hunters for goose hunting after December 31 will also be opened concurrently for Tribal members. The daily bag limit for geese would be 20. The daily bag limit for coots, gallinules, soras, and Virginia rails would be 20 in the aggregate.

For woodcock, the Tribe requested a season during September 2 through December 1, 2022, with daily bag and possession limits of 10 and 20, respectively.

For mourning doves, the Tribe requested a season during September 1 through November 14, 2022, with daily bag and possession limits of 10 and 20, respectively.

In 2020, the total estimated number of waterfowl hunters was 4,183, who harvested an estimated 3,504 ducks and 1,808 geese. All Sault Ste. Marie Tribe members exercising hunting treaty rights within the 1836 Ceded Territory are required to submit annual harvest reports including date of harvest, number and species harvested, and location of harvest. Shooting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

(u) Skokomish Tribe, Shelton, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which the Skokomish Tribe was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes have been acting independently since 2005. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2022–23 season, the Skokomish Tribe requested a duck and coot season during September 16, 2022, through February 28, 2023. The daily bag limit would be seven ducks, including no more than two female mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limits for harlequin ducks would be one per season. The daily bag limit for coots would be 25. The possession limit would be two times the daily bag limits, except as noted above.

For geese, the Tribe requested a season during September 16, 2022, through February 28, 2023. The daily bag limit would be four, including no more than three light geese. The season on Aleutian Canada geese would be closed. For brant, the Tribe usually requests a season during November 1, 2022, through February 15, 2023, with a daily bag limit of two. The possession limits would be two times the daily bag limits.

For mourning doves, band-tailed pigeons, and snipe, the Tribe requested a season during September 16, 2022, through February 28, 2023, with a daily bag limit of 10, 2, and 8, respectively. The possession limits would be two times the daily bag limits.

All Tribal members authorized to hunt migratory birds are required to obtain a Tribal hunting permit from the Skokomish Tribe pursuant to Tribal law. Shooting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe anticipates harvest to be fewer than 150 birds. The Skokomish Public Safety Office enforcement officers have the authority to enforce these migratory bird hunting regulations.

(v) Spokane Tribe of Indians, Spokane Indian Reservation, Wellpinit, Washington (Tribal Members Only)

The Spokane Indian Reservation is located in northeastern Washington State. The reservation comprises approximately 157,000 acres. The boundaries of the Reservation are the Columbia River to the west, the Spokane River to the south (now Lake Roosevelt), Tshimakain Creek to the east, and the 48th Parallel as the north boundary. Tribal membership comprises approximately 2,300 enrolled Spokane Tribal Members.

The Spokane Tribe of Indians requested special migratory bird hunting regulations that would allow Tribal Members, spouses of Spokane Tribal Members, and first-generation descendants of a Spokane Tribal Member with a Tribal permit and Federal Duck Stamp an opportunity to utilize the reservation and ceded lands for waterfowl hunting. These regulations would also benefit Tribal membership through access to this resource throughout Spokane Tribal ceded lands in eastern Washington. By Spokane Tribal Referendum, spouses of Spokane Tribal Members and children of Spokane Tribal Members not enrolled are allowed to harvest game animals within the Spokane Indian Reservation with the issuance of hunting permits.

The Tribe requested a duck season during September 2, 2022, through January 31, 2023. The daily bag and possession limits for ducks would be consistent with Federal frameworks for Washington.

The Tribe requested a goose season during September 2, 2022, through January 31, 2023. The daily bag limit and possession limit for geese would be consistent with Federal frameworks for Washington.

Based on the quantity of requests the Spokane Tribe of Indians has received, the Tribe anticipates harvest levels for the 2022–23 season for both ducks and geese to be fewer than 100 total birds, with goose harvest at fewer than 50. Hunter success will be monitored through mandatory harvest reports returned within 30 days of the season closure.

(w) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)

The Stillaguamish Tribe of Indians and the Service have cooperated to establish special regulations for migratory game birds since 2001. For the 2022–23 season, the Tribe requested regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855, including their main hunting grounds around Camano Island, Skagit Flats, and Port Susan to the border of the Tulalip Tribes Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized Tribe and reserves the Treaty Right to hunt (*U.S.* v. *Washington*).

The Tribe requested a duck (including merganser) and goose season during October 1, 2022, through March 10, 2023. The daily bag limit on ducks (including sea ducks and mergansers) would be 10 including no more than 7 mallards (3 of which may be female), 3 pintail, 3 redheads, 3 scaup, 4 hooded mergansers, and 3 canvasbacks. Possession limits would be two times the daily bag limits. For geese, the daily bag limits would be 6 Canada/cackling geese, 12 white-fronted geese, and 8 light geese. The possession limits would be three times the daily bag limits. The season on brant would be closed.

The Tribe requested a coot, snipe, and swan season during October 1, 2022, through January 31, 2023. The daily bag limit for coots would be 25 and for snipe would be 10. The possession limits would be two times the daily bag limits. The daily bag and possession limits for swans would be two per season. Swan hunters must have a swan hunting permit issued by the Tribe.

Harvest is regulated by a punch card system. Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting

regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal law enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

The Tribe anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 100 coots, and 100 snipe. Anticipated harvest includes subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

(x) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe consisting of the Swinomish, Lower Skagit, Samish, and Kikialous. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

For the 2022–23 season, the Tribal Community requested a migratory game bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The Tribe requested duck (including merganser), goose, coot, snipe, brant, mourning dove, and band-tailed pigeon seasons during September 1, 2022, through March 10, 2023. The daily bag limits would be 20 ducks, 10 geese, 5 brant, 25 coots, 15 snipe, 15 mourning doves, and 3 band-tailed pigeons. The possession limits would be two times the daily bag limits, except that the possession limit for coots would be three times the daily bag limit.

Shooting hours would be 30 minutes before official sunrise until 30 minutes after official sunset. Lead shot is prohibited.

The Community anticipates that the regulations will result in the harvest of approximately 600 ducks and 200 geese. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All Tribal regulations will be enforced by Tribal fish and game officers.

(y) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only)

The Tulalip Tribes are the successors in interest to the Tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The Tribes or individual Tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

For ducks, mergansers, coots, and snipe, the Tribe requested seasons for Tribal members during September 1, 2022, through February 28, 2023. Daily bag and possession limits would be 15 and 30 ducks, respectively, except that for blue-winged teal, canvasbacks, harlequin ducks, pintail, and wood ducks, the bag and possession limits would be the same as those established in accordance with Federal frameworks for Washington. For coots, the daily bag and possession limits would be 25 and 75, respectively, and for snipe 8 and 24, respectively. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified Tribal member. Such a hunt must have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, the Tribe requested a season during September 1, 2022, through February 28, 2023. The daily bag and possession limits would be 10 and 30 geese, respectively, except that the bag limits for cackling geese and dusky Canada geese would be those established in accordance with Federal frameworks for Washington. The daily bag and possession limits for brant are 5 and 10, respectively.

For mourning doves, and band-tailed pigeon, the Tribe requested a season during September 1, 2022, through February 28, 2023. For mourning doves, the daily bag and possession limits would be 15 and 45, respectively. For band-tailed pigeon, the daily bag and possession limits would be 4 and 12, respectively.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, use of federally approved nontoxic shot, special Tribal permit requirements, and a number of other Tribal regulations enforced by the Tribe. Each nontribal hunter 16 years of age and older hunting pursuant to Tulalip Tribes' Ordinance No. 67 must possess a valid Federal Duck Stamp and a valid State of Washington Migratory Waterfowl Stamp. Each hunter must validate stamps by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by Tribal and nontribal hunters of fewer than 1,000 ducks and 500 geese annually.

(z) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)

The Upper Skagit Indian Tribe and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe has jurisdiction over lands within Skagit, Island, and Whatcom Counties, Washington. The Tribe issues Tribal hunters a harvest report card that will be shared with the State of Washington.

For the 2022–23 season, the Tribe requested a duck season during October 1, 2022, through February 28, 2023. The daily bag and possession limits would be 15 and 20 ducks, respectively. The Tribe requests a coot season during October 1, 2022, through February 15, 2023. The daily bag and possession limits would be 20 and 30 coots, respectively.

The Tribe requested a goose season during October 1, 2022, through February 28, 2023. The daily bag and possession limits would be 7 and 10 geese, respectively. For brant, the Tribe requested a season during November 1 through 10, 2022, with a daily bag and possession limit of two brant.

The Tribe requested a mourning dove season during September 1 through December 31, 2022. The daily bag and possession limits would be 12 and 15 mourning doves, respectively.

The anticipated migratory bird harvest would be 100 ducks, 5 geese, 2 brant, and 10 coots. Tribal members must have the Tribal identification and Tribal harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be 15 minutes before official sunrise to 15 minutes after official sunset.

(aa) Ute Indian Tribe of the Uintah and Ouray Reservation (Tribal Members Only)

The Ute Indian Tribe of the Uintah and Ouray Reservation is a self-governing, federally recognized Tribe located in Northeastern Utah. The Ute Indian Tribe of the Uintah and Ouray Reservation is the second largest Indian Reservation in the United States and covers over 4.5 million acres. The Ute Indian Tribe started coordination with the Service in 2021 for special migratory bird hunting regulations. The Service

and the Tribe have cooperatively established migratory bird hunting regulations for sandhill cranes and swans (tundra and incidental trumpeter) for the 2022–23 season. The Tribe does hunt other migratory game birds but follows the State of Utah (Uintah and Duchesne Counties) for seasons and bag limits except for in some cases where the Tribe may be more restrictive.

The Tribe requests authorization to issue 10 sandhill crane hunting permits to Tribal members only and a sandhill crane hunting season with an opening and closing date consistent with the State of Utah's earliest and latest sandhill crane hunting dates for the State. The bag and possession limit would be one sandhill crane per member/permit.

The Tribe requests authorization to issue five swan (tundra/trumpeter) hunting permits to Tribal members only and a swan season during dates consistent with the State of Utah swan season dates. The bag and possession limit would be one swan per member/permit. The Tribe will require all swan hunters to successfully complete an educational course on swan identification and conservation to minimize take of trumpeter swans during the swan season. All hunters that harvest a swan must have the swan or species-determinant parts examined by a biologist or other designated representative of the Tribe within 72 hours of harvest for species determination. The Tribe will evaluate hunter participation, species-specific swan harvest, and hunter compliance in providing species-determinant parts (at least the intact head) of harvested swans for species identification. The Tribe will use appropriate measures to maximize hunter compliance with the Tribe's program for swan harvest reporting. The Tribe will provide to the Service by June 30 following the swan season a report detailing hunter participation, species-specific swan harvest, and hunter compliance in reporting harvest.

The following restrictions are also proposed by the Tribe: No rifles, revolvers, pistols, or shotgun pellets larger than #2 birdshot may be used in pursuit of migratory game birds. Only Service-approved nontoxic shot may be used to take migratory game birds. No baiting is allowed, including no take of sandhill cranes on or over lands where standing crops have been manipulated to distribute or scatter grain or other feed on the land where it was grown. For additional information, see the Ute Indian Tribes General Hunting Regulations.

(bb) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)

The White Earth Band of Ojibwe is a federally recognized Tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce migratory bird regulations. The Tribe and the Service first cooperated to establish special Tribal regulations in 1999.

The White Earth Band of Ojibwe requested a duck season during September 10 through December 11, 2022. The daily bag limit would be 10 ducks, including no more than 2 female mallards, 2 pintail, and 2 canvasbacks. For mergansers, the Tribe requested a season during September 10 through December 11, 2022. The daily bag limit would be five, no more than two of which may be hooded mergansers. For geese, the Tribe requested an early season during September 1 through 23, 2022, and a late season during September 24 through December 18, 2022. The daily bag limits would be 10 geese in the early season and 7 geese in the late season.

For coots, the Tribe requested a season during September 1 through November 30, 2022, with a daily bag limit of 20. For snipe, woodcock, rails, and mourning doves, the Tribe requested seasons during September 1 through November 30, 2022, with daily bag limits of 10, 10, 25, and 25, respectively. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the Tribe anticipates harvest of 1,000 to 2,000 Canada/cackling geese and 1,000 to 1,500 ducks. The White Earth Reservation Tribal Council employs four full-time conservation officers to enforce migratory bird regulations.

(cc) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

The White Mountain Apache Tribe owns all associated reservation lands, and the Tribe has recognized full wildlife management authority.

The hunting zone for waterfowl is restricted and is described as: The length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3, will be open to waterfowl hunting during the 2022–23 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2022–23 season.

For nontribal and Tribal members, the Tribe requested duck (except scaup), coot, merganser, gallinule, and moorhen hunting seasons during October 15, 2022, through January 22, 2023. For scaup, the Tribe requested a season during November 5, 2022, through January 22, 2023. The daily bag limit would be seven ducks (including merganser), which may include no more than two redheads, one pintail, two scaup (when open), two female mallards, and two canvasbacks. The daily bag limit for coots and gallinules would be 25 in the aggregate.

For Canada/cackling geese, the Tribe requested a season during October 15, 2022, through January 22, 2023. The daily bag and possession limits would be three and six Canada/cackling geese, respectively.

Seasons for band-tailed pigeons and mourning doves are closed.

Possession limits are two times the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal.

A number of special regulations apply to Tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider mailed comments that are not postmarked by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *https://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *https://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preamble of a final rule.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the August 31, 2021, proposed rule (86 FR 48649); please see that document for descriptions of our actions to ensure compliance with the following statutes and Executive Orders:

- National Environmental Policy Act;
- Endangered Species Act;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

Paperwork Reduction Act

This proposed rule contains existing information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB has reviewed and approved the information collection requirements associated with establishing annual migratory bird hunting seasons and migratory bird surveys and assigned the following OMB control numbers:

- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 10/31/2024);
- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 2/29/2024); and
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 4/30/2023).

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority

The rules that eventually will be promulgated for the 2022–23 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Shannon Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–12754 Filed 6–13–22; 8:45 am]

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Notices

Federal Register

Vol. 87, No. 114

Tuesday, June 14, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–AMS–22–0027]

Access to Fertilizer: Competition and Supply Chain Concerns

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is providing an additional 30 days for comments and information from the public regarding competition-related challenges in the U.S. fertilizer market and other obstacles to producers accessing affordable, responsibly manufactured fertilizer. This notice requests additional comments and information to inform the U.S. Department of Agriculture's (USDA) efforts to expand capacity and maximize investments in the fertilizer market.

DATES: The comment period for the notice originally published on March 17, 2022, at 87 FR 15191, is extended. Comments must be submitted on or before July 15, 2022.

ADDRESSES: All written comments in response to this notice should be posted online at *https://www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–AMS–22–0027, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jaina Nian, Agricultural Marketing Service, USDA, Room 2055–S, STOP 0201, 1400 Independence Avenue SW, Washington, DC 20250–0201. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jaina Nian, Agricultural Marketing Service, at (202) 378–2541; or by email at *jaina.nian@usda.gov.*

SUPPLEMENTARY INFORMATION: On July 9, 2021, President Biden issued an Executive Order titled ''Promoting Competition in the American Economy,'' which creates a White House Competition Council and directs Federal agency actions to enhance fairness and competition across America's economy. Among other things, the Executive Order directs the Council and member agencies to ''identify and advance any additional administrative actions necessary'' to promote competition on an ongoing basis. The Secretary of Agriculture takes note of wide-ranging concern from agricultural producers regarding access to and pricing of fertilizer.

On March 11, 2022, USDA announced [1] plans for a $250 million investment in grants to support additional fertilizer production for American farmers to address rising costs and spur competition. On May 11, 2022, in conjunction with his visit to an Illinois farm, the Secretary announced [2] a doubling of the initial investment to $500 million, among other measures designed to assist farmers.

A notice published in the **Federal Register** on March 17, 2022 (87 FR 15191), requested comments and information from the public to assist AMS in identifying relevant difficulties, including competition concerns, and potential policy solutions for the fertilizer market. This notice established a 60-day comment period, ending May 16, 2022. The comment period was extended by 30 days on May 16, 2022 (87 FR 29731). AMS is once again extending the comment period related to this request for information in order to obtain public input regarding the fertilizer program. Comments must be submitted on or before July 15, 2022.

In particular, and in light of the announced and expanded funding program, AMS seeks additional responses to the following questions, which were listed in the original notice:

- What obstacles exist to the financing and development of new fertilizer capacity that would enhance the competitiveness of fertilizer markets?
- Would new or expanded domestic manufacturing, mining, processing, or alternative fertilizer production capacity help promote access to and affordability of fertilizer for agricultural producers?
- Are there existing ''shovel ready'' manufacturing, mining, or other processes that could or should be adjusted to facilitate new fertilizer production?
- Are there other potential new entrants in the near or medium-term?
- How might USDA best support investment in new fertilizer capacity in the U.S.?

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–12821 Filed 6–13–22; 8:45 am]

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[1] USDA Announces Plans for $250 Million Investment to Support Innovative American-made Fertilizer to give U.S. Farmers more choices in the Marketplace | USDA.

[2] $500 Million for U.S. Fertilizer Production Among Measures Announced by Biden | Hoosier Ag Today.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–AMS–22–0018]

2022/2023 Rates Charged for AMS Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the 2022/2023 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2022/2023 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase user fee rates in certain cases where current rates are insufficient to cover the costs of providing the service. While cost-saving

measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs. In cases where current rates are sufficient to cover the costs of providing the service, user fee rates remain unchanged.

DATES: June 15, 2022.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Associate Administrator, AMS, USDA, Room 2036–S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 205–9356, or email *melissa.bailey@usda.gov.*

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended (AMA) (7 U.S.C. 1621–1627), provides for the collection of fees to cover costs of various inspection, grading, certification, or auditing services covering many agricultural commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471–476) and the U.S. Cotton Standards Act (7 U.S.C. 51–65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services, and the Tobacco Inspection Act (7 U.S.C. 511–511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the U.S. Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). On the basis of rates calculated using these formulas, AMS is to determine the fee rates necessary to sustain program services. Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2022/2023 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. Fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

Rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection, or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471–476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

Rates Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2022/2023 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Cotton Fees					
7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation Subpart A—Requirements; §§ 27.80–27.90 Costs of Classification and Micronaire					
Cotton Standardization					
Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	$4.25/bale			X	August 1, 2022.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	$0.20/bale or $5.00 per page minimum			X	August 1, 2022.
7 CFR Part 28—Cotton Classing, Testing, and Standards Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification					
Cotton Grading					
Form 1: Grading Services for Producers (submitted by licensed sampler).	$2.50/bale			X	July 1, 2022.
Form 1 Review (new sample submitted by licensed sampler).	$2.50/bale			X	July 1, 2022.
Form A Determinations (sample submitted by licensed warehouse).	$2.50/bale			X	July 1, 2022.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	$2.50/bale			.....	July 1, 2022.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	$2.50/bale			X	July 1, 2022.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	$6.00/sample			X	August 1, 2022.
Arbitration (comparison of a sample to the official standards or a sample type).	$6.00/sample			X	August 1, 2022.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: $150/applicant Reexamination: $130/applicant			X	July 1, 2022.
Special Sample Handling (return of samples per request).	$0.50/sample			X	July 1, 2022.
Electronic Copy of Classification Record	$0.05/bale ($5.00/month minimum with any records received)			X	July 1, 2022.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	$0.15/bale or $5.00/page minimum			X	August 1, 2022.
Form R (reissuance of Form 1 classification only)	$0.15/bale or $5.00/page minimum			X	July 1, 2022.
International Instrument Level Assessment	$4.00/sample			X	July 1, 2022.
Dairy Fees					
7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46 Fees and Charges					
Continuous Resident Grading Service	$90.00	$106.00	$123.00	X	Oct 1, 2022.
Continuous Resident Grading Service 6 p.m.–6 a.m.	$99.00	$123.00	$135.00	X	Oct 1, 2022.
Non-resident and Intermittent Grading Service; State Graders.	$110.00	$129.00	$147.00	X	Oct 1, 2022.

2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	$121.00	$147.00	$162.00	X	Oct 1, 2022.
Export Certificate Services	$95.00/certificate				Oct 1, 2022.
Equipment Review [1]	$115.00	$135.00	$154.00		Oct 1, 2022.
Equipment Review 6 p.m.–6 a.m. [1]	$126.00	$154.00	$169.00		Oct 1, 2022.
Audit Services	$120.00			X	Oct 1, 2022.
Special Handling	$47.50/certificate				Oct 1, 2022.
Uncertified Copy of Certificate	$8.00/copy				Oct 1, 2022.
Derogation Application	$125.00/application				Oct 1, 2022.
Specialty Crops Fees					
7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards) Subpart A—Requirements; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets § 51.45 Schedule of Fees and Charges at Shipping Point Areas					
Quality and Condition Inspections for Whole Lots	$225.00 per lot				Oct 1, 2022.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	$186.00 per lot				Oct 1, 2022.
Condition—Half Lot	$172.00 per lot				Oct 1, 2022.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	$103.00 per lot				Oct 1, 2022.
Dockside Inspections—Each package weighing <30 lbs.	$0.044 per pkg.				Oct 1, 2022.
Dockside Inspections—Each package weighing >30 lbs.	$0.068/pkg.				Oct 1, 2022.
Charge per Individual Product for Dockside Inspection	$225.00/lot				Oct 1, 2022.
Charge per Each Additional Lot of the Same Product	$103.00/lot				Oct 1, 2022.
Inspections for All Hourly Work	$100.00	$137.00	$175.00		Oct 1, 2022.
Audit Services—Federal	$132.00/audit				Oct 1, 2022.
Audit Services—State	$132.00/audit				Oct 1, 2022.
GFSI Certification Fee [2]	$250.00/audit				Oct 1, 2022.
7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products Subpart A—Requirements Governing Inspection and Certification; §§ 52.41—52.51 Fees and Charges					
Lot Inspections	$85.00	$112.00	$139.00		Oct 1, 2022.
In-plant Inspections Under Annual Contract (year-round)	$85.00	$107.00	$129.00		Oct 1, 2022.
Additional Graders (in-plant) or Less Than Year-Round	$91.00	$120.00	$149.00		Oct 1, 2022.
Audit Services—Federal	$132.00/audit				Oct 1, 2022.
Audit Services—State	$132.00/audit				Oct 1, 2022.
GFSI Certification Fee [2]	$250.00/audit				Oct 1, 2022.
Meat Fees					
7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards) Subpart A—Grading of Meats, Prepared Meats, and Meat Products; §§ 54.27—54.28 Charges for Service					
Scheduled Grading	$86.00	$107.00	$129.00	X	Oct 1, 2022.
Unscheduled Grading	$114.00	$132.00	$154.00		Oct 1, 2022.

2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Scheduled Night Differential (6 p.m.–6 a.m.)	$95.00	$118.00	$129.00	X	Oct 1, 2022.
7 CFR Part 62—Agricultural Marketing Service Audit Verification and Accreditation Programs (AVAAP) Subpart E—Fees; § 62.300 Fees and Other Costs of Service					
Auditing Activities	$155.00	$229.00	$238.00		Oct 1, 2022.
Poultry Fees					
7 CFR Part 56—Voluntary Grading of Shell Eggs Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges					
7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges					
Scheduled Grading	$65.00	$84.00	$101.00	X	Oct 1, 2022.
Scheduled, Night Differential (6 p.m.–6 a.m.)	$71.00	$93.00	$101.00	X	Oct 1, 2022.
Scheduled, Sunday Differential	$83.00	$107.00	N/A	X	Oct 1, 2022.
Scheduled, Sunday and Night Differential	$92.00	$118.00	N/A	X	Oct 1, 2022.
Unscheduled Grading	$99.00	$122.00	$147.00		Oct 1, 2022.
Science and Technology Fees					
7 CFR Part 91—Services and General Information Subpart I—Fees and Charges; §§ 91.37–91.45					
Laboratory Testing Services	$110.00	$125.00	$141.00		Oct 1, 2022.
Laboratory Approval Services [1]	$188.00	$213.00	$238.00	X	Jan 1, 2023.
7 CFR Part 75—Provisions for Inspection and Certification of Quality of Agricultural and Vegetable Seeds § 75.41 General					
Laboratory Testing	$62.00	$93.00	$113.00		Oct 1, 2022.
Administrative Fee	$15.50/certificate				Oct 1, 2022.
Auditing Services	$115.00/audit				Oct 1, 2022.
Organization for Economic Cooperation and Development Seed Schemes for Corn Seeds.	$0.29/100 pounds				July 1, 2022.
Organization for Economic Cooperation and Development Seed Schemes for Other Seeds.	$0.18/100 pounds				July 1, 2022.
Tobacco Fees					
7 CFR Part 29—Tobacco Inspection Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets; Subpart B—Requirements; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco Subpart F—Policy Statement and Provisions Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges					
Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, re-testing of imported tobacco, and grading tobacco for research stations).	$55.00	$64.00	$72.00		July 1, 2022.
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	$0.0025/pound			X	July 1, 2022.
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	$0.015/pound			X	July 1, 2022.

2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	$0.0065/kg or $0.0029/pound			X	July 1, 2022.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	$115.00/sample and $55.00/hour			X	July 1, 2022.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	$1,250.00/person			.....	July 1, 2022
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	$0.0170/kg or $0.0080/pound			X	July 1, 2022.
Rice Fees					
7 CFR Part 868—General Regulations and Standards for Certain Agricultural Commodities Subpart A—Regulations; §§ 868.90–868.92 Fees					
Contract (per hour per Service representative) [3]	$56.30	$84.50	$112.60	.....	Oct 1, 2022.
Noncontract (per hour per Service representative) [3]	$66.60	$99.90	$133.20	.....	Oct 1, 2022.
Export Port Services [4]	$0.047/cwt			.....	Oct 1, 2022.
Inspection for quality (per lot, sublot, or sample inspection):					
Rough rice	$41.80			.....	Oct 1, 2022.
Brown rice for processing	$37.60			.....	Oct 1, 2022.
Milled rice	$30.30			.....	Oct 1, 2022.
Factor analysis for any single factor (per sample):					
Milling yield (Rough or Brown rice)	$32.00			.....	Oct 1, 2022.
All other factors (all rice)	$19.90/factor			.....	Oct 1, 2022.
Total oil and free fatty acid	$45.80			.....	Oct 1, 2022.
Faxed and extra copies of certificates	$1.90/copy			.....	Oct 1, 2022.
Stowage examination (service-on-request):					
Ship	$38.50 (per stowage space, minimum 5 spaces per ship)			.....	Oct 1, 2022.
Subsequent ship examinations	$38.50 (per stowage space, minimum 3 spaces per ship)			.....	Oct 1, 2022.
Barge	$35.10/examination			.....	Oct 1, 2022.
All other carriers	$12.90/examination			.....	Oct 1, 2022.
Aflatoxin (Rapid Test Kit)	$31.40/test			.....	Oct 1, 2022.
All Other Mycotoxins (Rapid Test Kit)	$37.50/test			.....	Oct 1, 2022.

[1] Travel costs outside the United States will be added to the fee, if applicable.
[2] Global Food Safety Initiative (GFSI) Certification Fee—$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.
[3] Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.
[4] Services performed at export locations on lots at rest.

Authority: 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511–511s; and 7 U.S.C. 1621–1627.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–12795 Filed 6–13–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

The Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2022

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the surplus and purchased foods that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under The Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2022. The foods made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies (ERAs) for use in preparing meals and/or for distribution to households for home consumption.

FOR FURTHER INFORMATION CONTACT: Katie Treen, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, Virginia 22314 or telephone (703) 305–2674.

SUPPLEMENTARY INFORMATION: In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501, *et seq.,* and the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Department makes foods available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with section 214 of the EFAA, 7 U.S.C. 7515, funding for TEFAP foods is allocated among States according to a formula that accounts for poverty and unemployment levels within each State. Section 214(a)(1) of the Act requires that 60 percent of each State's allocation be based on the number of people with incomes below the poverty level within the State; and Section 214(a)(2) requires that the remaining 40 percent be equal to the percentage of the nation's unemployed persons within the State. State officials are responsible for establishing the network through which the foods will be used by ERAs in providing nutrition assistance to those in need and for allocating foods among those ERAs. States have full discretion in determining the amount of foods that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

Surplus Foods

Surplus foods donated for distribution under TEFAP are Commodity Credit Corporation (CCC) foods purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and foods purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of foods typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of foods purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits.

Purchased Foods

In accordance with section 27 of the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Secretary is directed to purchase $399.74 million worth of foods in FY 2022 for distribution through TEFAP. In addition, States will receive approximately $400 million in supplemental foods provided through the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136, CARES Act) as part of USDA's Build Back Better initiative. These foods are made available to States in addition to those surplus foods which otherwise might be provided to States for distribution under TEFAP.

For FY 2022, the Department anticipates purchasing the foods listed in the following table for distribution through TEFAP. The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of foods or the non-availability of one or more foods listed in the table.

FY 2022 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

FRUITS:
- Apples, Braeburn, Fresh
- Apples, Empire, Fresh
- Apples, Fuji, Fresh
- Apples, Gala, Fresh
- Apples, Granny Smith, Fresh
- Apples, Red Delicious, Fresh
- Apples, Fresh
- Apple Juice, 100%, Unsweetened
- Apple Slices, Unsweetened, Frozen (IQF)
- Applesauce, Unsweetened, Canned (K)
- Applesauce, Unsweetened, Cups, Shelf-Stable
- Apricots, Halves, Extra Light Syrup, Canned
- Blueberries, Highbush, Frozen
- Cherry Apple Juice, 100%, Unsweetened
- Cranberry Apple Juice, 100%, Unsweetened
- Cranberries, Dried, Individual Portion
- Grape Juice, Concord, 100%, Unsweetened
- Grapefruit Juice, 100%, Unsweetened
- Fruit and Nut Mix, Dried
- Mixed Fruit, Extra Light Syrup, Canned
- Oranges, Fresh
- Orange Juice, 100%, Unsweetened
- Peaches, Freestone, Slices, Frozen
- Peaches, Sliced, Extra Light Syrup, Canned
- Pears, Bartlett, Fresh
- Pears, Bosc, Fresh

FY 2022 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)—Continued

Pears, D'Anjou, Fresh
Pears, Fresh
Pears, Extra Light Syrup, Canned
Plums, Pitted, Dried
Raisins, Unsweetened, Individual Portion
Raisins, Unsweetened
DAIRY:
Cheese, American, Reduced Fat, Loaves, Refrigerated
Cheese, Cheddar, Yellow, Shredded, Refrigerated
Milk, 1%, Shelf-Stable UHT
Milk, 1%, Individual Portion, Shelf-Stable UHT
Milk 1% Fresh
Milk, Skim, Fresh
VEGETABLES:
Beans, Green, Low-sodium, Canned
Beans, Green, No Salt Added, Frozen
Carrots, Diced, No Salt Added, Frozen
Carrots, Sliced, Low-sodium, Canned
Corn, Whole Kernel, No Salt Added, Canned
Corn, Cream Style, Low sodium, Canned
Mixed Vegetables, 7-Way Blend, Low-sodium, Canned
Corn, Whole Kernel, No Salt Added, Frozen
Mixed Produce Box, Fresh
Peas, Green, Low-sodium, Canned
Peas, Green, No Salt Added, Frozen
Potatoes, Dehydrated Flakes
Potatoes, Round, Fresh
Potatoes, Russet, Fresh
Potatoes, Sliced, Low-sodium, Canned
Pumpkin, No Salt Added, Canned
Spaghetti Sauce, Low-sodium, Canned
Spinach, Low-sodium, Canned
Sweet Potatoes, Fresh
Tomato Juice, 100%, Low-sodium
Tomato Sauce, Low-sodium, Canned
Tomato Sauce, Low-sodium, Canned (K) (H)
Tomato Soup, Condensed, Low-sodium, Canned
Tomatoes, Diced, No Salt Added, Canned
Vegetable Soup, Condensed, Low-Sodium, Canned
LEGUMES:
Beans, Black, Low-sodium, Canned
Beans, Black-eyed Pea, Low-sodium, Canned
Beans, Black-eyed Pea, Dry
Beans, Garbanzo, Canned (K)
Beans, Great Northern, Dry
Beans, Kidney, Light Red, Low-sodium, Canned
Beans, Kidney, Light Red, Dry
Beans, Lima, Baby, Dry
Beans, Pinto, Low-sodium, Canned
Beans, Pinto, Dry
Beans, Refried, Low-sodium, Canned
Beans, Vegetarian, Low-sodium, Canned
Lentils, Dry
Peas, Green Split, Dry
PROTEIN FOODS:
Alaska Pollock Fish, Breaded Sticks, Frozen (WG)
Alaska Pollock Fish, Fillets, Frozen
Beef, Canned/Pouch
Beef, Fine Ground, 85% Lean/15% Fat, Frozen
Beef, Fine Ground, 85% Lean/15% Fat, Frozen, LFTB
OPT, Frozen
Beef Stew, Canned/Pouch
Catfish, Fillets, Frozen
Chicken, Canned
Chicken, Pouch
Chicken, Split Breast, Frozen
Chicken, Whole, Frozen
Eggs, Fresh
Egg Mix, Dried
Peanut Butter, Smooth
Peanut Butter, Smooth (K)
Peanut Butter, Smooth, Individual Portion
Peanuts, Roasted, Unsalted
Pork, Canned/Pouch

FY 2022 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)—Continued

Pork, Ham, Frozen
Pork, Chops, Boneless, Frozen
Salmon, Pink, Canned
Salmon, Pink, Canned (K)
Tuna, Chunk Light, Canned (K)
GRAINS:
Bakery Mix, Lowfat
Cereal, Corn Flakes
Cereal, Corn/Rice Biscuits
Cereal, Corn Squares
Cereal, Oat Circles (WG)
Cereal, Rice Crisp
Cereal, Wheat Bran Flakes (WG)
Cereal, Wheat Farina, Enriched
Cereal, Wheat, Shredded (WG)
Crackers, Unsalted
Flour, All Purpose, Enriched, Bleached
Flour, White Whole Wheat (WG)
Grits, Corn, White
Grits, Corn, Yellow
Oats, Rolled, Quick Cooking (WG)
Pasta, Egg Noodles
Pasta, Macaroni, Enriched
Pasta, Macaroni (WG)
Pasta, Macaroni and Cheese
Pasta, Rotini (WG)
Pasta, Spaghetti, Enriched
Pasta, Spaghetti (WG)
Rice, Brown, Long-Grain, Parboiled (WG)
Rice, Medium Grain
Rice, Long Grain
Tortillas, Frozen (WG)
OILS:
Oil, Vegetable
OTHER:
Soup, Cream of Chicken, Condensed, Reduced Sodium
Soup, Cream of Mushroom, Condensed, Reduced Sodium

KEY:
H—Halal Certification Required.
K—Kosher Certification Required.
IQF—Individually Quick Frozen.
UHT—Ultra-High Temperature Pasteurization.
LFTB OTP—Lean Finely Textured Beef Optional.
WG—Whole Grain.

Cynthia Long,
Administrator, Food and Nutrition Service.

[FR Doc. 2022–12822 Filed 6–13–22; 8:45 am]
BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra and Sequoia National Forests; Revision of the Land Management Plan for the Sierra and Sequoia National Forests

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of opportunity to object to the revised Land Management Plan and the Regional Forester's list of species of conservation concern for the Sierra and Sequoia National Forests.

SUMMARY: The Forest Service, U.S. Department of Agriculture, is revising the Sierra and Sequoia National Forests' Land Management Plans (Forest Plans). The Forest Service has prepared a Final Environmental Impact Statement (FEIS) for the revised Forest Plans and draft Records of Decision (ROD). This notice is to inform the public that the Sierra and Sequoia National Forests are initiating a 60-day period where individuals or entities with specific concerns about the Sierra and Sequoia National Forests' revised Forest Plans and the associated FEIS may file objections for Forest Service review prior to the approval of the revised Forest Plans. This is also an opportunity to object to the Regional Forester's list of species of conservation concern for the Sierra and Sequoia National Forests.

DATES: The publication date of the legal notice in the Sierra and Sequoia National Forests' newspapers of record, *Porterville Recorder* and *Fresno Bee* initiates the 60-day objection filing period and is the exclusive means for calculating the time to file an objection (36 CFR 219.52(c)(5)). An electronic copy of the legal notice with the publication date will be posted at *https://www.fs.usda.gov/project/?project=3375.*

ADDRESSES: The Sierra and Sequoia National Forests' revised Forest Plans, FEIS, draft RODs, species of conservation concern list, and other supporting information will be available for review at: *https://www.fs.usda.gov/project/?project=3375.*

Objections must be submitted to the Objection Reviewing Officer by one of the following methods:

- *Via regular mail to the following address:* USDA Forest Service, Pacific Southwest Region, ATTN: Objection Coordinator, 1323 Club Dr., Vallejo, CA 94592.
- Objections may be submitted electronically at *https://cara.fs2c.usda.gov/Public//CommentInput?Project=3375* with subject: Sierra and Sequoia National Forests Plan Revision

Objection. Electronic submissions must be submitted in a format (Word, PDF, or Rich Text) that is readable and searchable with optical character recognition software.

• *By Fax:* (707) 562–9049. Faxes must be addressed to ''Objection Coordinator.'' The fax coversheet should include a subject line with ''Sierra and Sequoia National Forests Plan Revision Objection'' or ''Sierra and Sequoia NFs Species of Conservation Concern'' and specify the number of pages being submitted.

FOR FURTHER INFORMATION CONTACT: Bobbie Miller, Plan Revision Team Leader, Email: *SM.FS.r5reviseplan@usda.gov* or Phone: (530) 643–6226.

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.

SUPPLEMENTARY INFORMATION: The decision to approve the revised Forest Plans and the Regional Forester's list of species of conservation concern for the Sierra and Sequoia National Forests will be subject to the objection process identified in 36 CFR part 219 Subpart B (219.50 to 219.62). Per 36 CFR 219.53 only individuals and entities who have submitted substantive formal comments related to a plan revision during the opportunities for public comment that are attributable to the objector may file an objection unless the objection concerns an issue that arose after the opportunities for formal comment.

How To File an Objection

Objections must be submitted to the Reviewing Officer at the address shown in the **ADDRESSES** section of this notice. An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available. In cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period.

It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations generally prohibit extending the length of the objection filing period (36 CFR 219.56(d)). However, when the time period expires on a Saturday, Sunday, or a Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as email or facsimile machine) (36 CFR 219.56).

Responsible Official

The responsible official who will approve the Record of Decision (ROD) and the revised Forest Plan for the Sierra National Forest is Forest Supervisor Dean Gould, Sierra National Forest Headquarters, 1600 Tollhouse Road, Clovis, CA 3611, and Phone:(559) 297–0706. The responsible official who will approve the ROD and the revised Forest Plan for the Sequoia National Forest is Forest Supervisor Teresa Benson, Sequoia National Forest Supervisor's Office, 1839 S Newcomb, Porterville, CA 93257, and Phone: (559) 784–1500. The responsible official for the list of species of conservation concern is Regional Forester Jennifer Eberlien, USDA Forest Service Pacific Southwest Region, 1323 Club Drive, Vallejo, CA 94592.

The Regional Forester is the reviewing officer for the revised Forest Plan since the Forest Supervisor is the responsible official (36 CFR 219.56(e)). The decision to approve the species of conservation concern list will be subject to a separate objection process. The Chief of the Forest Service is the reviewing officer for species of conservation concern identification since the Regional Forester is the responsible official (36 CFR 219.56(e)(2)).

This authority may be delegated to an individual Deputy Chief or Associate Deputy Chief for the National Forest System, consistent with delegations of authority provided in the Forest Service Manual at sections 1235.4 and 1235.5.

Dated: June 8, 2022.

Deborah Hollen,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2022–12757 Filed 6–13–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Foreign National Request Form

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on March 29, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Office of the Secretary, Office of Security (OSY), Commerce.

Title: Foreign National Request Form.

OMB Control Number: 0690–0033.

Form Number(s): 207–12–1.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 12,000.

Average Hours per Response: 15 minutes.

Burden Hours: 3,000.

Estimated Total Annual Cost to Public: $0.

Needs and Uses: The Office of Security is requesting clearance of this collection to continue gathering information to mitigate variances in foreign access management program implementation and registration information requirements needed to reach risk-based determinations of physical and logical access by foreign national visitors and guests to Commerce facilities and resources. The information collected will be used for risk-based assessments of short-term access or as partial completion towards long term guest research agreements and supporting security and background investigations for potential personal identity credential issuance in compliance with U.S. laws and regulations governing physical and logical access to federal facilities and information resources. Due to the increasing diversity of foreign national participation in departmental programs, considerable efforts have been made to baseline requirements as a means to define uniform program standards as well as to expand current guidance beyond foreign visitor control to manage emerging risks associated with physical and logical access to the Department' s facilities and resources.

Affected Public: Individuals and households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–12760 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Direct Investment Surveys: BE–577, Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter With Foreign Affiliate

AGENCY: Bureau of Economic Analysis, Department of 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 15, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Ricardo Limes, Chief, Direct Transactions and Positions Branch, Bureau of Economic Analysis, U.S. Department of Commerce, by email to *Ricardo.limes@bea.gov* or *PRAcomments@doc.gov.* Please reference OMB Control Number 0608–0004 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 Ricardo Limes, Chief, Multinational Operations Branch, Bureau of Economic Analysis, U.S. Department of Commerce; via phone at (301) 278–9659; or via email at *Ricardo.Limes@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter with Foreign Affiliate (Form BE–577) obtains quarterly data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parents, except certain private funds. The survey is a sample survey that covers all foreign affiliates above a size-exemption level. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE–10, Benchmark Survey of U.S. Direct Investment Abroad, which is conducted every five years. The data are essential for the preparation of the U.S. international transactions accounts, the national income and product accounts, the input-output accounts, and the international investment position of the United States. The data are needed to measure the size and economic significance of direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies. The Bureau of Economic Analysis (BEA) is not proposing any changes to the BE–577 survey.

II. Method of Collection

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to potential respondents each quarter. Reports are due 30 days after the close of each calendar or fiscal quarter—45 days if the report is for the final quarter of the respondent's financial reporting year. Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE–577. Certain private funds are exempt from reporting. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

Potential respondents are those U.S. business enterprises that reported owning foreign business enterprises in the 2019 benchmark survey of U.S. direct investment abroad, along with entities that subsequently entered the direct investment universe. The data collected are sample data. Universe estimates are developed from the reported sample data.

BEA offers electronic filing through its eFile system (*www.bea.gov/efile*) for use in reporting on the BE–577 survey forms. In addition, BEA posts its survey forms and reporting instructions on its website (*www.bea.gov/dia*).

III. Data

OMB Control Number: 0608–0004.

Form Number: BE–577.

Type of Review: Regular submission, reinstatement without change.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 3,500 U.S. parents filing for 22,700 foreign affiliates per quarter, 90,800 annually.

Estimated Time per Response: 1 hour is the average but may vary considerably among respondents because of differences in company structure and complexity.

Estimated Total Annual Burden Hours: 90,800.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended by Pub. L. 98–573 and Pub. L. 101–533).

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. 2022–12819 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–91–2022]

Foreign-Trade Zone 168—Dallas, Texas; Application for Expansion of Subzone 168G; Sager Electronics, Carrollton, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Metroplex International Trade Development Corporation, grantee of FTZ 168, requesting expanded subzone status for the facilities of Sager Electronics located in Carrollton, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 8, 2022.

Subzone 168G was approved on November 16, 2020 (S–163–2013, 85 FR 73674, November 19, 2020). The subzone currently consists of the following site: *Site 1* (1.46 acres)—2940 Eisenhower Street, Suite 100, Carrollton.

The applicant is requesting authority to expand the subzone to include an additional site: Proposed Site 2 (4.03 acres)—2521 Oakbend Drive, Lewisville. No authorization for production activity has been requested at this time. The proposed expanded subzone would be subject to the existing activation limit of FTZ 168.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 25, 2022. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 8, 2022.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: June 8, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–12788 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–DS–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; Special Priorities Assistance

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 15, 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 0694–0057 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 information collected from defense contractors and suppliers on Form BIS–999, Request for Special Priorities Assistance, is required for the enforcement and administration of special priorities assistance under the Defense Production Act, the Selective Service Act and the Defense Priorities and Allocation System regulation.

Contractors may request Special Priorities Assistance (SPA) when placing rated orders with suppliers, to obtain timely delivery of products, materials, or services from suppliers, or for any other reason under the DPAS, in support of approved national programs. The Form BIS–999 is used to apply for such assistance.

II. Method of Collection

Paper or Electronic.

III. Data

OMB Control Number: 0694–0057.

Form Number(s): BIS –999.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 600.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Title I of the Defense Production Act.

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. 2022–12820 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–815, A–533–806, C–533–807]

Antidumping Duty Orders on Sulfanilic Acid From India and the People's Republic of China and Countervailing Duty Order on Sulfanilic Acid From India: Final Results of Sunset Reviews and Revocation of Orders

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 reviews of the antidumping duty (AD) orders on sulfanilic acid from India and the People's Republic of China (China) and the countervailing duty (CVD) order on sulfanilic acid from India. Because no domestic interested party filed a timely notice of intent to participate in these sunset reviews, Commerce is revoking the AD orders on sulfanilic acid from India and China and the CVD order on sulfanilic acid from India.

DATES: Applicable May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Brendan Quinn, 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) 482–5848.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1992, Commerce issued the AD order on sulfanilic acid from China [1] and on March 2, 1993, Commerce issued the AD and CVD orders on sulfanilic acid from India [2] (collectively, the *Orders*). On May 9, 2017, Commerce published the most recent continuation of the *Orders.*[3] On April 1, 2022, Commerce initiated the current sunset reviews of the *Orders* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(c).[4]

We did not receive a timely notice of intent to participate in these sunset reviews from any domestic interested party within fifteen days [5] of the publication of the *Initiation Notice* in the **Federal Register**, in accordance with 19 CFR 351.218(d)(1)(i).[6] Pursuant to 19 CFR 351.218(d)(1)(iii)(A), a domestic interested party that does not file a notice of intent to participate in the sunset review will be considered not willing to participate in the review. As a result, pursuant to 19 CFR 351.218(d)(1)(iii)(B)(1), Commerce concludes that no domestic interested party responded to the notice of initiation under section 751(c)(3)(A) of the Act. On April 22, 2022, Commerce notified the U.S. International Trade Commission (ITC) in writing that we intended to revoke the *Orders,* consistent with 19 CFR 351.218(d)(1)(iii)(B).[7]

Scope of the Orders

Imports covered by the *Orders* are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid.

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classifiable under the subheading 2921.42.22 of the

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[1] *See Antidumping Duty Order: Sulfanilic Acid from the People's Republic from China,* 57 FR 37524 (August 19, 1992).

[2] *See Antidumping Duty Order: Sulfanilic Acid from India,* 58 FR 12025 (March 2, 1993); *see also Countervailing Duty Order: Sulfanilic Acid from India,* 58 FR 12026 (March 2, 1993).

[3] *See Sulfanilic Acid from India and the People's Republic of China: Continuation of Antidumping Duty and Countervailing Duty Orders,* 82 FR 21520 (May 9, 2017) (*2017 Continuation Notice*).

[4] *See Initiation of Five-Year (Sunset) Reviews,* 87 FR 19069 (April 1, 2022) (*Initiation Notice*).

[5] The fifteen-day deadline fell on Saturday, April 16, 2022. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day, in this case Monday, April 18, 2022. *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).

[6] On April 22, 2022, the domestic interested party attempted to file an untimely notice of intent to participate in these sunset reviews, which Commerce rejected as untimely. *See* Commerce's Letter, ''Five-Year ('Sunset') Review of the Antidumping Duty Orders on Sulfanilic Acid from India and the People's Republic of China and Countervailing Duty Order on Sulfanilic Acid from India: Rejection of Notice of Intent to Participate,'' dated April 29, 2022.

[7] *See* Commerce's Letter, ''Sunset Reviews for April 1, 2022,'' dated April 22, 2022.

Harmonized Tariff Schedule (HTS), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, also classifiable under the subheading 2921.42.22 of the HTS, contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials.

Sodium salt (sodium sulfanilate), classifiable under the HTS subheading 2921.42.90, is a powder, granular or crystalline material which contains 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline based on the equivalent sulfanilic acid content, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings 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 timely 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, consistent with the section 751(c)(3)(A) of the Act, 19 CFR 351.218(d)(1)(iii)(B)(3), and 19 CFR 351.222(i)(1)(i), 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 CBP to terminate the suspension of liquidation of the merchandise subject to the *Orders* entered, or withdrawn from the warehouse, on or after May 9, 2022, the fifth anniversary of the date of publication of the last continuation notice of the *Orders.*[8] Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD and CVD deposit requirements. Commerce will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for reviews.

[8] *See 2017 Continuation Notice.*

Notification 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 19 CFR 351.222(i)(1)(1).

Dated: June 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–12790 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Low Carbon Cements and Concretes Consortium

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of research consortium.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, in support of efforts to develop standards for low carbon construction materials, is establishing the Low Carbon Cements and Concretes Consortium (''Consortium''). The Consortium will bring together stakeholders to identify and address measurement and standards needs related to low carbon cements and concretes used to reduce the overall greenhouse gas emissions from cement and concrete products. The Consortium efforts are intended to develop measurement solutions and standards to improve measurement confidence, establish measurement traceability, and enable comparability in the measurements to quantify carbon and carbonate in low carbon cements and concretes. Participants will be required to sign a Cooperative Research and Development Agreement (CRADA).

DATES: The Consortium's activities will commence on June 1, 2022 (''Commencement Date''). NIST will accept letters of interest to participate in this Consortium on an ongoing basis.

ADDRESSES: Completed letters of interest or requests for additional information about the Consortium can be directed via mail to the Consortium Manager, Dr. Pamela Chu, Chemical Sciences Division of NIST's Material Measurement Laboratory, 100 Bureau Drive, Mail Stop 8320, Gaithersburg, Maryland 20899, or via electronic mail to *lowcarbonconcrete@nist.gov,* or by telephone at (301) 975–2988.

FOR FURTHER INFORMATION CONTACT: J'aime Maynard, CRADA Administrator, National Institute of Standards and Technology's Technology Partnerships Office, by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, Maryland 20899, by electronic mail to *Jaime.maynard@nist.gov,* or by telephone at (301) 975–8408.

SUPPLEMENTARY INFORMATION: Cement is one of the most widely used materials and a critical component of roads, bridges, and buildings. Cement manufacturing is also a major contributor to carbon dioxide (CO_2) emissions through both energy use and calcination reactions. To help meet net zero climate goals, industry is developing a variety of techniques to reduce the net amount of CO_2 emitted from cement and concrete manufacturing. For example, one approach is to change the composition of the cement to reduce the total manufacturing process emissions. Another approach is to take advantage of carbonation, the uptake of CO_2, by curing concrete under a CO_2 atmosphere or injecting CO_2 during the mixing process.

The initial focus of this consortium is to evaluate, develop, and standardize methods to characterize and quantify the carbon and carbonates in new low carbon cements and concretes. Test methods to specifically measure carbon in these materials will be explored. A later focus of the consortium will be to evaluate the suitability of current measurement standards to measure the material, mechanical, structural, and durability properties and, where appropriate, develop new test methods needed to help enable acceptance of new low carbon cements and concretes in the marketplace. NIST and industrial partners will perform research together with the following four goals:

- Evaluate the suitability of current ASTM standards to measure carbon, including specifically measuring carbon in cements, concretes, and the associated starting materials such as aggregates.
- Accurately measure the amount of carbon uptake by a material during CO_2-curing processes. Validate the robustness and repeatability of the measurement method.
- Use these measurements as a foundation to propose tests(s) that can be standardized through the ASTM consensus process.
- Evaluate the applicability of current material, mechanical, structural, and durability tests used for cements and concretes to new low carbon cements and concretes. If needed, develop new

tests or point out why old tests are not needed to help enable acceptance of these new materials in the marketplace.

No proprietary information will be shared as part of the Consortium. Participants will not be required to contribute any funds or pay any fee. Contributions of sample low carbon cements, concretes, and associated aggregates are highly encouraged.

Participation Process

Eligibility will be determined by NIST based on the information provided by prospective participants in response to this notice. NIST will evaluate the submitted responses from prospective participants to determine eligibility to participate in this Consortium. Prospective participants should provide a letter of interest with the following information to NIST's Consortium Manager:

(1) A description of their experience in low carbon cements and concretes, production and characterization of cements, concretes, and associated starting materials such as aggregates, standard methods to evaluate cements and concretes, and related expertise to contribute to the Consortium.

(2) List of interested party's anticipated participants.

Letters of interest must not include business proprietary information. NIST will not treat any information provided in response to this notice as proprietary information. NIST will notify each organization of its eligibility. In order to participate in this Consortium, each eligible organization must sign a CRADA for this Consortium. All participants in this Consortium will be bound by the same terms and conditions. NIST does not guarantee participation in the Consortium to any organization submitting a letter of interest.

Authority: 15 U.S.C. 3710a.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2022–12744 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC091]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) has received an incidental take permit (ITP) application from Port Blakely, associated with the Port Blakely Habitat Conservation Plan (HCP) for the John Franklin Eddy Forestlands located in Clackamas County, Oregon. Port Blakely submitted the ITP application pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit, if issued, would authorize incidental take of the covered species under NMFS jurisdiction resulting from the timber harvest, silviculture, and road management activities, as well as take resulting from activities carried out as part of the HCP's conservation strategy on the John Franklin Eddy Forestlands for a permit term of 50 years. In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), NMFS announces the availability of a draft environmental assessment (Draft EA). NMFS is the lead Federal agency under NEPA, and the U.S. Fish and Wildlife Service (USFWS) is a cooperating agency. The Draft EA analyzes the potential effects of issuance of the ITPs and approval of the HCP.

DATES: Comments on any of the documents or requests for a hearing on the application must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on July 14, 2022.

ADDRESSES: Written comments on any documents should be addressed by email to *portblakely.hcp@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands. Please specify whether the comments provided are associated with the HCP or the Draft EA. When commenting, please refer to the specific page number and line number of the subject of your comment. The HCP and Draft EA are available on the internet at *https://www.fisheries.noaa.gov/action/port-blakely-habitat-conservation-plan-john-franklin-eddy-forestlands.*

FOR FURTHER INFORMATION CONTACT: Annie Birnie, NMFS, via phone at 503–230–5407 or via email at *annie.birnie@noaa.gov.*

SUPPLEMENTARY INFORMATION: We, the National Marine Fisheries Service (NMFS) received an incidental take permit application from Port Blakely, which includes a habitat conservation plan (HCP) that contain measures to minimize and mitigate the impacts of taking of five ESA-listed species under the jurisdiction of NMFS. Port Blakely also submitted an incidental take permit application, including the HCP, to the USFWS for 17 species under USFWS jurisdiction. The applicant is seeking authorization for the incidental take of the species covered by the HCP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*).

Species Included in the HCP

ESA-listed species covered by NMFS:

- Chinook salmon (*Oncorhynchus tshawytscha*): threatened Lower Columbia River (LCR) evolutionarily significant unit (ESU); threatened Upper Willamette River (UWR) ESU;
- Coho salmon (*Oncorhynchus kisutch*): threatened LCR ESU;
- Steelhead (*Oncorhynchus mykiss*): threatened LCR distinct population segment (DPS); threatened UWR DPS.

ESA-listed species covered by USFWS:

- Bull trout (*Salvelinus confluentus*);
- Gray wolf (*Canis lupus*); and
- Northern spotted owl (*Strix occidentalis caurina*).

Non-ESA-Listed Species Covered by USFWS:

- Pacific lamprey (*Lampetra tridentata*);
- Cascades frog (*Rana cascadae*);
- Coastal tailed frog (*Ascaphus truei*);
- Cascade torrent salamander (*Rhyacotriton cascadae*);
- Oregon slender salamander (*Batrachoseps wright*);
- Western/North Pacific pond turtle (*Actinemys marmorata marmorata*);
- Northern goshawk (*Accipiter gentilis*);
- Pacific Fisher (*Pekania pennanti*);
- Townsend's big-eared bat (*Corynorhinus townsendii spp.*);
- Hoary bat (*Lasiurus cinereus*);
- Silver-haired bat (*Lasionycteris noctivagans*);
- Fringed myotis bat (*Myotis thysanodes*);
- Long-eared myotis bat (*Myotis evotis*);
- Long-legged myotis bat (*Myotis Volans*).

Background

Section 10(a)(1)(B) of the ESA, as amended (16 U.S.C. 1531 *et seq.*), authorizes the NMFS and USFWS to issue ITPs to non-Federal parties for potential incidental take of endangered or threatened species as a result of covered activities. In support of its applications for such ITPs, Port Blakely prepared an HCP that provides an

assessment of impacts of its timber harvest, silviculture, and road management activities in the Clackamas River and Molalla River basins of Oregon on the identified species; measures to monitor, minimize and mitigate for those impacts on those species; and procedures to account for unforeseen or extraordinary circumstances.

Authority

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines ''take'' to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS and USFWS may issue permits, under limited circumstances to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and implementing regulations (50 CFR 222.307 for NMFS and 50 CFR 17.22(b) and 17.32(b) for USFWS) provide for authorizing such incidental take of listed species.

The proposed issuance of the ITPs is a Federal action requiring evaluation under the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), and implementing regulations at 40 CFR parts 1500–1508. Pursuant to the requirements of NEPA, NMFS prepared the Draft EA to evaluate the potential environmental impacts of implementation of the proposed HCP. USFWS is a cooperating agency in this NEPA process.

After public review, NMFS will review the comments in coordination with the USFWS. NMFS will finalize the EA and determine whether the proposed action warrants a finding of no significant impact or whether an environmental impact statement should be prepared pursuant to NEPA. NMFS will evaluate the permit application submitted by Port Blakely, the associated documents, and any comments received, to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the ESA and its implementing regulations. NMFS will also evaluate whether issuance of the requested permit would comply with the ESA by conducting consultation under section 7(a)(2) of the ESA on the proposed ITP action. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period, and NMFS will fully consider all comments received during the comment period. If NMFS determines that all requirements are met, it will issue ITPs under section 10(a)(1)(B) of the ESA to Port Blakely for the take of the covered species under NMFS jurisdiction, incidental to otherwise lawful covered activities.

Dated: June 7, 2022.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–12667 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Connecting Minority Communities Pilot Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on February 16, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration (NTIA), Commerce.

Title: Connecting Minority Communities Pilot Program.

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 100.

Average Hours per Response: 33.22.

Burden Hours: 13,288.

Needs and Uses: With this information collection, NTIA will monitor the grant recipients' spending for compliance with grant terms and conditions. In the absence of collecting this information, NTIA would fail to evaluate effectively the award recipients' progress toward completing project activities and achieving core purposes of the CMC. Moreover, without these reports, NTIA would lack the ability to monitor effectively the award recipients' expenditure of funds to deter waste, fraud, ad abuse of CMC funds. Therefore, it is necessary for NTIA to collect information using the Baseline Report, Semi-Annual Performance (Technical) Reports and Annual Report.

Affected Public: Grant award recipients consisting of Historically Black colleges or universities (HBCUs); Tribal Colleges or Universities (TCUs); Minority-serving institutions (MSIs); or consortiums that are led by a historically Black college or university, a Tribal College or University, or a Minority-serving institution and that also include: (a) an MBE; or (b) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

Frequency: Semi-annually and Annually; The Baseline Report is a one-time collection of information from award recipients covering project plans and details about key outputs and outcomes.

Respondent's Obligation: Mandatory.

Legal Authority: Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020)

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Department of Commerce.

[FR Doc. 2022–12759 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Tribal Broadband Connectivity Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on February 17, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration (NTIA), Commerce.

Title: Tribal Broadband Connectivity Program.

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 600.

Average Hours per Response: 33.22.

Burden Hours: 79,728.

Needs and Uses: With this information collection, NTIA will monitor grant recipients' spending and activities to ensure compliance with TBCP requirements and program priorities. In the absence of collecting this information, NTIA would fail to evaluate effectively the award recipients' progress toward completing project activities and achieving core purposes of the TBCP. Moreover, without these reports, NTIA would lack the ability to monitor effectively the award recipients' expenditure of funds to deter waste, fraud, and abuse of TBCP funds. Therefore, it is necessary for NTIA to collect information using the Baseline Report, Semi-Annual Reports, and Annual Report.

Affected Public: Grant award recipients consisting of Tribal Governments, Tribal Colleges or Universities, the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs, Tribal organizations, or Alaska Native Corporations.

Frequency: Semi-annually and Annually; The Baseline Report is a one-time collection of information from award recipients covering project plans and details about key outputs and outcomes.

Respondent's Obligation: Mandatory.

Legal Authority: Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–12758 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Broadband Infrastructure Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on February 16, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration (NTIA), Commerce.

Title: Broadband Infrastructure Program.

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 240.

Average Hours per Response: 33.22.

Burden Hours: 31,892.

Needs and Uses: With this information collection, NTIA will monitor grant recipients' spending and activities to ensure compliance with BIP requirements and program priorities. In the absence of collecting this information, NTIA would fail to evaluate effectively the award recipients' progress toward completing project activities and achieving core purposes of the BIP. Moreover, without these reports, NTIA would lack the ability to monitor effectively the award recipients' expenditure of funds to deter waste, fraud, and abuse of BIP funds. Therefore, it is necessary for NTIA to collect information using the Baseline Report, Semi-Annual Reports, and Annual Report.

Affected Public: Selected covered partnerships, defined as a partnership between (a) a State, or one or more political subdivisions of a State; and (b) a provider of a fixed broadband service.

Frequency: Semi-Annually and Annually; The Baseline Report is a one-time collection of information from award recipients covering project plans and details about key output and outcomes.

Respondent's Obligation: Mandatory.

Legal Authority: Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Department of Commerce.

[FR Doc. 2022–12756 Filed 6–13–22; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces will take place.

DATES: Day 1—Open to the public, Tuesday, June 21, 2022, from 9:25 a.m. to 4:45 p.m. EST. Day 2—Open to the public, Wednesday, June 22, 2022, from 9:00 a.m. to 3:00 p.m. EST.

ADDRESSES: Ritz Carlton, Pentagon City, 1250 S Hayes Street, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703–695–1055 (voice), *dwight.h.sullivan.civ@mail.mil* (email). Mailing address is DAC–IPAD, One Liberty Center, 875 N Randolph Street, Suite 150, Arlington, Virginia 22203. Website: *http://dacipad.whs.mil/*. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the Designated Federal Officer, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its June 21 through June 22, 2022 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: In Section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), as modified by Section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92), Congress tasked the DAC–IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the twenty-third public meeting held by the DAC–IPAD. On the first day of the meeting, the Committee will discuss its Terms of Reference, establishing subcommittees, and its current statutory and assigned tasks. The Committee will then receive a briefing on appellate decisions in military sexual assault cases. The Committee will then receive an update on data, followed by a briefing on the Joint Explanatory Statement, National Defense Authorization Act for Fiscal Year 2020. In the afternoon, the Committee will hear from State and federal prosecutors on best practices for establishing an independent prosecutorial office. This will be followed by a Committee discussion about best practices. At the last session of the day, the Committee will receive an overview of the Report on Tour Lengths and Rating Chain Structure for Services' Special Victims' Counsel/Victims' Legal Counsel Programs. On the second day of the meeting, the Committee will receive a briefing on the Rules for Courts-Martial amendment process. Next the Committee will host a panel of Military Department representatives to discuss the Offices of Special Trial Counsel. In the afternoon, the Committee will conclude with a strategic planning discussion. Prior to adjourning, the Committee will receive public comments.

Agenda: Tuesday, June 21, 2022: 9:25 a.m.–9:30 a.m. Public Meeting Begins—Welcome and Introduction; 9:30 a.m.–10:20 a.m. Bylaws, Terms of Reference, Subcommittees, and Committee Task Review and Update; 10:20 a.m.–10:30 a.m. Break; 10:30 a.m.–11:00 a.m. Appellate Decisions in Military Sexual Assault Cases; 11:00 a.m.–11:30 a.m. Data Update; 11:30 a.m.–12:00 p.m. Fiscal Year 2020 National Defense Authorization Act, Joint Explanatory Statement; 12:00 p.m.–1:15 p.m. Lunch; 1:15 p.m.–1:30 p.m. Offices of Special Trial Counsel Overview; 1:30 p.m.–3:00 p.m. Civilian Prosecutors Panel: Best Practices for Establishing an Independent Prosecutorial Office; 3:00 p.m.–3:15 p.m. Break; 3:15 p.m.–4:00 p.m. Committee Members' Assessment of Best Practices for Establishing an Independent Prosecutorial Office; 4:00 p.m.–4:45 p.m. Special Victims' Counsel/Victims' Legal Counsel Report Overview and Discussion; 4:45 p.m. Public Meeting Adjourned. Wednesday, June 22, 2022: 9:00 a.m. Public Meeting Begins; 9:00 a.m.–9:45 a.m. Presentation on the Rules for Courts-Martial Amendment Process to Implement National Defense Authorization Act for Fiscal Year 2022 Military Justice Reforms; 9:45 a.m.–10:00 a.m. Break; 10:00 a.m.–11:30 a.m. Offices of Special Trial Counsel Panel; 11:30 a.m.–12:30 p.m. Lunch; 12:30 p.m.–2:30 p.m. Strategic Planning Discussion; 2:30 p.m.–3:00 p.m. Public Comment; 3:00 p.m. Public Meeting Adjourned.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public. Seating is limited and is on a first-come basis. Please consult the website for any changes to the public meeting date or time.

Written Statements: Pursuant to 41 CFR 102–3.140 and Section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Committee about its mission and topics pertaining to this public session. Written comments must be received by the DAC–IPAD at least five (5) business days prior to the meeting date so that they may be made available to the Committee members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC–IPAD operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral presentations by members of the public will be permitted from 2:30 p.m.–3:00 p.m. EST on June 22, 2022.

Dated: June 9, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2022–12770 Filed 6–13–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel (UFBAP) will take place.

DATES: Open to the public Thursday, June 30, 2022, 10:00 a.m.–1:00 p.m. (Eastern Standard Time).

ADDRESSES: The meeting will be held telephonically or via conference call. The phone number for the remote access on June 30, 2022 is: CONUS: 1–800–369–2046; OCONUS: 1–203–827–7030; PARTICIPANT CODE: 8546285.

These numbers and the dial-in instructions will also be posted on the UFBAP website at: *https://www.health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Pharmacy-Operations/BAP.*

FOR FURTHER INFORMATION CONTACT: Designated Federal Official (DFO) Colonel Paul J. Hoerner, USAF, 703–681–2890 (voice), *dha.ncr.j-6.mbx.baprequests@mail.mil* (email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *https://www.health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Pharmacy-Operations/BAP.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The UFBAP will review and comment on recommendations made to the Director, Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Agenda

1. 10:00 a.m.–10:10 a.m. Sign in for UFBAP members
2. 10:10 a.m.–10:40 a.m. Welcome and Opening Remarks
   a. Welcome, Opening Remarks, and Introduction of UFBAP Members by Col Paul J. Hoerner, DFO, UFBAP
   b. Opening Remarks by UFBAP Co-Chair Senior Chief Petty Officer Jon R. Ostrowski, Non-Commissioned Officers Association
   c. Introductory Remarks by Dr. Edward VonBerg, Chief, Formulary Management Branch
   d. Public Written Comments by Dr. Edward VonBerg, Chief, Formulary Management Branch
3. 10:40 a.m.–11:45 a.m. Scheduled Therapeutic Class Reviews
   a. Diabetes Non-Insulin: Glucagon-Like Peptide-1 Receptor Agonists (GLP1RAs) subclass
   b. Migraine Agents: Oral Calcitonin Gene-Related Peptide (CGRPs) Antagonists subclass
4. 11:45 a.m.–12:30 p.m. Newly Approved Drugs Review
5. 12:30 p.m.–12:45 p.m. Pertinent Utilization Management Issues

* Note that UFBAP discussion and vote will follow each section.

6. 12:45 p.m.–1:00 p.m. Closing remarks
   a. Closing Remarks by UFBAP Co-Chair Senior Chief Petty Officer Jon R. Ostrowski
   b. Closing Remarks by Col Paul J Hoerner, DFO, UFBAP

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of phone lines, this meeting is open to the public. Telephone lines are limited and available to the first 220 people dialing in. There will be 220 lines total: 200 domestic and 20 international, including leader lines.

Written Statements: Pursuant to 41 CFR 102–3.10, and section 10(a)(3) of FACA, interested persons or organizations may submit written statements to the UFBAP about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the UFBAP's DFO. The DFO's contact information can be found in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Written comments or statements must be received by the UFBAP's DFO at least five (5) calendar days prior to the meeting so they may be made available to the UFBAP for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to UFBAP.

Dated: June 9, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–12817 Filed 6–13–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0083]

Agency Information Collection Activities; Comment Request; Federal Perkins Loan Program Regulations

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before August 15, 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–0083. 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 Grebeldinger, 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: Federal Perkins Loan Program Regulations.

OMB Control Number: 1845–0023.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households; State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 8,217,172.

Total Estimated Number of Annual Burden Hours: 149,369.

Abstract: The requirements of these regulations is necessary to monitor a school's due diligence in its contact with the Perkins loan borrower regarding repayment, billing and collections, reimbursement to its Perkins loan revolving fund, rehabilitation of defaulted loans as well as institutions use of third party collections. There has been no change to the regulations. This is a request for an extension without change of the currently approved reporting and record-keeping requirements contained in the regulations related to the administrative requirements of the Perkins Loan Program. Due to the effects of the COVID–19 pandemic the Department lacks sufficient data to allow for more accurate updates to the burden estimates.

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. 2022–12724 Filed 6–13–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0034]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Cancer Treatment Deferment

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before July 14, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (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: Cancer Treatment Deferment.

OMB Control Number: 1845–0154.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 5,000.

Total Estimated Number of Annual Burden Hours: 833.

Abstract: The Department of Education (Department) is requesting an extension of the current Cancer Treatment Deferment Form information collection, OMB Control Number 1845–0154. This collection is used to obtain information from federal student loan borrowers to determine eligibility for a deferment of repayment of their federal student loan while receiving cancer treatment and for the 6-month period after such treatment. Section 309 of the Consolidated Appropriations Act, 2019, (Pub. L. 115–245) included a provision for the Department to implement this circumstance as a basis for deferment. Due to the effects of the COVID–19 pandemic and the suspension of the collection of loans, the Department lacks sufficient data to allow for updates to the usage of these forms.

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. 2022–12726 Filed 6–13–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0084]

Agency Information Collection Activities; Comment Request; Federal Family Education Loan (FFEL) Program Secured Overnight Financing Rate (SOFR) Election Form

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 information collection.

DATES: Interested persons are invited to submit comments on or before August 15, 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–0084. 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 Grebeldinger, 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: Federal Family Education Loan (FFEL) Program Secured Overnight Financing Rate (SOFR) Election Form.

OMB Control Number: 1845–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 128.

Total Estimated Number of Annual Burden Hours: 2,048.

Abstract: The Department of Education (ED) is requesting approval of a new information collection for the FFEL Program SOFR Election form. On March 15, 2022, the President signed the Adjustable Interest Rate (LIBOR) Act into law. Among other things, the law amended section 438(b)(2)(I) of the Higher Education Act of 1965, as amended (HEA). This provision of the law requires FFEL Program lenders or an entity that holds a beneficial ownership interest in a FFEL Program loan (beneficial holder) to transition away from LIBOR based Special Allowance Payments (SAP) to a new formula set by the law based on Secured Overnight Financing Rate (SOFR). The transition may occur any time on or before June 30, 2023. However, a FFEL Program lender or beneficial holder must transition to the SOFR based SAP calculation by July 1, 2023, as a condition of continued participation in FFEL Program.

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. 2022–12734 Filed 6–13–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Electric Vehicle Working Group

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

ACTION: Notice of establishment.

SUMMARY: The U.S. Department of Energy (DOE or the Department) and Department of Transportation (DOT) announce the establishment of the Electric Vehicle Working Group (EV Working Group), pursuant to the Infrastructure Investment and Jobs Act (IIJA), and in accordance with the Federal Advisory Committee Act (FACA), and the rules and regulations in implementation of that Act.

SUPPLEMENTARY INFORMATION: The EV Working Group is established by the Joint Office of Energy and Transportation to make recommendations to the Secretary of Energy and the Secretary of Transportation regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States. The EV Working Group shall also develop three reports submitted to the Secretaries, the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives describing the status of electric vehicle adoption including topics in section 25006(c)(1) of IIJA.

FOR FURTHER INFORMATION CONTACT: Rachael Nealer, Designated Federal Officer, Joint Office of Energy and Transportation, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; telephone at (202) 586–3916, or email: *EVWG@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on June 8, 2022, by Miles Fernandez, Acting Committee Management Officer, 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.

[FR Doc. 2022–12725 Filed 6–13–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Electric Vehicle Working Group

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

ACTION: Notice for solicitation of members.

SUMMARY: In accordance with the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), and the Federal Advisory Committee Act, the U.S. Department of Energy and U.S. Department of Transportation are soliciting nominations for candidates to fill vacancies on the Electric Vehicle Working Group (Working Group).

DATES: Deadline for Working Group member nominations is July 15, 2022.

ADDRESSES: The nominee's name, resume, biography, and any letters of support must be submitted via one of the following methods:

(1) Email to *EVWG@ee.doe.gov.*

(2) Overnight delivery service to the Rachael Nealer, Designated Federal Official for the Working Group, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–3B, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Rachael Nealer, Designated Federal Officer, Joint Office of Energy and Transportation, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; 202–586–3916; Email: *EVWG@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117–58 (Nov. 15, 2021) requires the Secretaries of Energy and Transportation to jointly establish an electric vehicle working group to make recommendations regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States. BIL section 25006 established the Electric Vehicle Working Group and lays forth its meetings, coordination, duties, terms, and membership types. Members of the Working Group serve without compensation; however, each member may be reimbursed for authorized travel and per diem expenses incurred while attending Working Group meetings in accordance with Federal Travel Regulations. The Working Group must meet at least every 120 days. Virtual participation is acceptable. The Working Group shall coordinate and consult with any existing Federal interagency working groups on fleet conversion or other similar matters relating to electric vehicles.

The Working Group advises DOE and DOT points-of-contact with respect to the electric vehicle deployment strategy and is required to submit a written report to Secretaries of Energy and Transportation, the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives. The reports (no fewer than three over the duration of the Working Group) will describe the status of electric vehicle adoption including (A) a description of the barriers and opportunities to scaling up electric vehicle adoption throughout the United States, including recommendations for issues relating to (i) consumer behavior; (ii) charging infrastructure needs, including standardization and cybersecurity; (iii) manufacturing and battery costs, including the raw material shortages for batteries and electric motor magnets; (iv) the adoption of electric vehicles for low- and moderate-income individuals and underserved communities, including charging infrastructure access and vehicle purchase financing; (v) business models for charging personal electric vehicles outside the home, including wired and wireless charging; (vi) charging infrastructure permitting and regulatory issues; (vii) the connections between housing and transportation costs and emissions; (viii) freight transportation, including local, port and drayage, regional, and long-haul trucking; (ix) intercity passenger travel; (x) the process by which governments collect a user fee for the contribution of electric vehicles to funding roadway improvements; (xi) State- and local-level policies, incentives, and zoning efforts; (xii) the installation of highway corridor signage; (xiii) secondary markets and recycling for batteries; (xiv) grid capacity and integration; (xv) energy storage; and (xvi) specific regional or local issues that may not appear to apply throughout the United States, but may hamper nationwide adoption or coordination of electric vehicles; (B) examples of successful public and private models and demonstration projects that encourage electric vehicle adoption; (C) an analysis of current efforts to overcome the barriers described in (A); (D) an analysis of the estimated costs and benefits of any recommendations of the working group; an (E) any other topics, as determined by the working group. Based on the reports submitted by the Working Group, the Secretaries of Energy and Transportation will jointly develop, maintain, and update a strategy that describes the means by which the Federal Government, States, units of local government, and industry can—(i) establish quantitative targets for transportation electrification; (ii) overcome the barriers to scaling up electric vehicle adoption throughout the United States; (iii) identify areas of opportunity in research and development to improve battery manufacturing, mineral mining, recycling costs, material recovery, fire risks, and battery performance for electric vehicles; (iv) enhance Federal interagency coordination to promote electric vehicle adoption; (v) prepare the workforce for the adoption of electric vehicles, including through collaboration with labor unions, educational institutions, and relevant manufacturers; (vi) expand electric vehicle and charging infrastructure; (vii) expand knowledge of the benefits of electric vehicles among the general public; (viii) maintain the global competitiveness of the United States in the electric vehicle and charging infrastructure markets; (ix) provide clarity in regulations to improve national uniformity with respect to electric vehicles; and (x) ensure the sustainable integration of electric vehicles into the national electric grid.

The Secretaries of Energy and Transportation (or designees) will serve as co-chairs of the Working Group and will appoint no more than 25 members (not more than 6 Federal and 19 non-federal stakeholders). The non-Federal members selected, in the aggregate, will consist of individuals with a balance of backgrounds, experiences, and viewpoints; and include individuals that represent geographically diverse regions of the United States, including individuals representing the perspectives of rural, urban, and suburban areas. Membership must include no less than one representative of: (i) a manufacturer of light-duty electric vehicles or the relevant components of light-duty electric vehicles; (ii) a manufacturer of medium- and heavy-duty vehicles or the relevant components of medium- and heavy-duty electric vehicles; (iii) a manufacturer of electric vehicle batteries; (iv) an owner, operator, or manufacturer of electric vehicle charging equipment; (v) the public utility industry; (vi) a public utility regulator or association of public utility regulators; (vii) the transportation

fueling distribution industry; (viii) the energy provider industry; (ix) the automotive dealing industry; (x) the for-hire passenger transportation industry; (xi) an organization representing units of local government; (xii) an organization representing regional transportation or planning agencies; (xiii) an organization representing State departments of transportation; (xiv) an organization representing State departments of energy or State energy planners; (xv) the intelligent transportation systems and technologies industry; (xvi) labor organizations representing workers in transportation manufacturing, construction, or operations; (xvii) the trucking industry; (xviii) Tribal governments; and (xix) the property development industry; and may include a representative of any other non-Federal stakeholder that the Secretaries consider to be appropriate (REF: BIL 2022 section 25006). All nominees will be carefully reviewed for their expertise, leadership, and relevance to an expertise. The Working Group terminates on submission of the third report required by the BIL unless renewed by appropriate action prior to its expiration, the charter for the Working Group will expire two-years from the date it is filed.

Nominations are solicited from organizations, associations, societies, councils, federations, groups, universities, and companies that represent a wide variety of electric vehicle expertise. In your nomination letter, *please indicate the specific membership category of interest.* Each nominee must submit their resume and biography along with any letters of support by the deadline above. All nominees will be vetted before selection.

To ensure that recommendations of the Working Group have considered the needs of diverse groups served by the Departments, the Departments shall seek opportunities to increase diversity, equity, inclusion, and accessibility for the membership of the Working Group. Please note that federally registered lobbyists serving in an ''individual capacity'' are ineligible for appointment or reappointment.

Appointments to the Electric Vehicle Working Group will be made by the Secretary of Energy and the Secretary of Transportation.

Signing Authority

This document of the Department of Energy was signed on June 8, 2022, by Miles Fernandez, Acting, Committee Management Officer, 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 9, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–12755 Filed 6–13–22; 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 electric rate filings:

Docket Numbers: ER20–2283–004.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2022–06–08_SA 3517 3rd Substitute NSP–MDU FSA (J316) to be effective 7/1/2020.
Filed Date: 6/8/22.
Accession Number: 20220608–5077.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–379–002.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Second Deficiency Response—Revisions to Implement ELCC Methodology to be effective 2/15/2022.
Filed Date: 6/8/22.
Accession Number: 20220608–5039.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–772–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance re: BSM Capacity Accreditation Market Design May 2022 order to be effective 6/8/2022.
Filed Date: 6/8/22.
Accession Number: 20220608–5071.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–895–001.
Applicants: Southwest Power Pool, Inc.
Description: 3908 Thunderhead/Evergy KS Central Meter Ag Supplemental to be effective N/A.
Filed Date: 6/8/22.
Accession Number: 20220608–5063.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–1607–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment to ISA, SA No. 5869; Queue No. AE2–126 (amend) to be effective 12/3/2020.
Filed Date: 6/8/22.
Accession Number: 20220608–5114.
Comment Date: 5 p.m. ET 6/13/22.

Docket Numbers: ER22–1710–001.
Applicants: Duke Energy Florida, LLC.
Description: Tariff Amendment: DEF—Amendment to Annual Filing of Cost Factor Updates to be effective 5/1/2022.
Filed Date: 6/8/22.
Accession Number: 20220608–5049.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–1777–001.
Applicants: Madison Fields Solar Project, LLC.
Description: Tariff Amendment: Supplement to Petition for Market-Based Rate Authorization to be effective 6/29/2022.
Filed Date: 6/8/22.
Accession Number: 20220608–5058.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–1779–001.
Applicants: Marion County Solar Project, LLC.
Description: Tariff Amendment: Supplement to Petition for Market-Based Rate Authorization to be effective 6/29/2022.
Filed Date: 6/8/22.
Accession Number: 20220608–5059.
Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–2050–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2022–06–07 PSC–HLYCRS-Const Agrmt-Crystal-669–0.0.0 to be effective 6/7/2022.
Filed Date: 6/7/22.
Accession Number: 20220607–5147.
Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2051–000.
Applicants: East Kentucky Power Cooperative, Inc.
Description: East Kentucky Power Cooperative, Inc. submits revised depreciation rates under Attachment H–24A of the PJM Tariff to be effective 6/1/2022.
Filed Date: 5/31/22.
Accession Number: 20220531–5446.
Comment Date: 5 p.m. ET 6/21/22.

Docket Numbers: ER22–2052–000.
Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Executed Third Revised TSA No. 241 to be effective 7/1/2022.

Filed Date: 6/8/22.

Accession Number: 20220608–5033.

Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–2053–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–06–08–PSCo-HLYCRS-Const Agrmt-Parachute-634–0.0.0 to be effective 6/9/2022.

Filed Date: 6/8/22.

Accession Number: 20220608–5072.

Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–2054–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: W188 SGIA to be effective 6/9/2022.

Filed Date: 6/8/22.

Accession Number: 20220608–5094.

Comment Date: 5 p.m. ET 6/29/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–48–000; ES22–49–000.

Applicants: Entergy Louisiana, LLC, Entergy Mississippi, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Entergy Louisiana, LLC, et al.

Filed Date: 6/8/22.

Accession Number: 20220608–5110.

Comment Date: 5 p.m. ET 6/20/22.

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 8, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12761 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2046–000]

Sapphire Sky Wind Energy 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 Sapphire Sky Wind Energy 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 28, 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 8, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12764 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–1982–000]

Great Prairie Wind, 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 Great Prairie Wind, 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 28, 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 8, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12763 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2816–050]

North Hartland, LLC; Notice of Technical Meeting

a. *Date and Time of Meeting:* Monday, June 27, 2022 at 10:00 a.m. Eastern Daylight Time via Conference Call.

b. *FERC Contact:* Bill Connelly at *william.connelly@ferc.gov* or (202) 502–8587.

c. *Purpose of Meeting:* On April 28, 2022, Commission staff requested formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act (ESA), for the relicensing of the North Hartland Hydroelectric Project No. 2816, located on the Ottauquechee River in Windsor County, Vermont. On June 2, 2022, the FWS contacted staff via email to request a meeting to discuss Commission staff's request for formal consultation on federally endangered dwarf wedgemussels. Commission staff is meeting with the FWS via conference call to discuss the project's effects on dwarf wedgemussels.

d. *Proposed Agenda:*

(1) Introduction of participants;

(2) Commission staff explain the purpose of the meeting;

(3) Participants discuss existing data about the current and historical distribution of dwarf wedgemussel within the lower Ottauquechee and Connecticut Rivers;

(4) Participants discuss proposed project operation and alternatives to the proposed action; and

(5) Participants discuss additional issues relating to ESA consultation.

e. A summary of the meeting will be prepared and filed in the Commission's public file for the project.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate. If interested, please contact Bill Connelly at *william.connelly@ferc.gov,* or (202) 502–8587 by June 22, 2022, to receive specific instructions on how to participate.

Dated: June 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12765 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–14–000]

Commission Information Collection Activities (FERC–604) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved requirements and burden of information collection, FERC- 604 (Cash Management Agreements).

DATES: Comments on the collections of information are due August 15, 2022.

ADDRESSES: You may submit comments (identified by Docket No. IC22–14–000) on FERC–604 by one of the following methods. Electronic filing through *http://www.ferc.gov* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–604 (Cash Management Agreements).

OMB Control No.: 1902–0267.

Type of Request: Three-year extension of the FERC–604 with no changes to the current reporting requirements.

Abstract: This collection of information is authorized by the following statutory provisions:

- Sections 8 and 10 of the Natural Gas Act (15 U.S.C. 717g and 717i);
- Sections 301 and 304 of the Federal Power Act (16 U.S.C. 835 and 825c); and
- Sections 20(1) and 20(5) of the Interstate Commerce Act (49 App. U.S.C. 20(1) and 20(5)).

Cash management or ''money pool'' programs typically concentrate affiliates' cash assets in joint accounts for the purpose of providing financial flexibility and lowering the cost of borrowing. In a 2001 investigation, FERC staff found that balances in cash management programs affecting FERC-regulated entities totaled approximately $16 billion. Additionally, other investigations revealed large transfers of funds (amounting to more than $1 billion) between regulated pipeline affiliates and non-regulated parents whose financial conditions were precarious. The Commission found that

these and other fund transfers and the enormous (mostly unregulated) pools of money in cash management programs could detrimentally affect regulated rates.

To protect customers and promote transparency, the Commission issued Order 634–A (2003) requiring entities to formalize in writing and file with the Commission their cash management agreements. At that time, the Commission obtained OMB clearance for this new reporting requirement under the FERC–555 information collection (OMB Control No. 1902–0098). Now, the Commission includes these reporting requirements for cash management agreements under the FERC–604 information collection (OMB Control No. 1902–0267). The Commission implemented these reporting requirements in 18 CFR 141.500, 260.400, and 357.5.

Type of Respondents: Public utilities, natural gas companies, and oil pipeline companies.

Estimate of Annual Burden.[1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–604, CASH MANAGEMENT AGREEMENTS

Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost[2] per response ($)	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
45	1	45	1.5 hours; $130.50	67.5 hours; $5,872.50	$130.50

Comments: Comments are invited on: (1) whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12766 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[2] The Commission staff estimates that the industry's hourly cost for wages plus benefits is similar to the Commission's $87.00 FY 2021 average hourly cost for wages and benefits.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3133–033]

Brookfield White Pine Hydro, LLC, Errol Hydro Co., LLC; Notice of Reasonable Period of Time for Water Quality Certification Application

On June 3, 2022, Brookfield White Pine Hydro, LLC and Errol Hydro Co., LLC submitted to the Federal Energy Regulatory Commission (Commission) evidence of its application for a Clean Water Act section 401(a)(1) water quality certification filed with New Hampshire Department of Environmental Services, in conjunction with the above captioned project. Pursuant to section 401 of the Clean Water Act[1] and section [4.34(b)(5), 5.23(b), 153.4, or 157.22] of the Commission's regulations,[2] a state certifying agency is deemed to have waived its certifying authority if it fails or refuses to act on a certification request within a reasonable period of time, which is one year after the date the certification request was received. Accordingly, we hereby notify the New Hampshire Department of Environmental Services of the following:

Date that New Hampshire Department of Environmental Services Received the Certification Request: June 1, 2022.

If New Hampshire Department of Environmental Services fails or refuses to act on the water quality certification request on or before June 1, 2023, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: June 8, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12767 Filed 6–13–22; 8:45 am]

BILLING CODE 6717–01–P

[1] 33 U.S.C. 1341(a)(1).

[2] 18 CFR [4.34(b)(5)/5.23(b)/153.4/157.22].

FEDERAL MARITIME COMMISSION

[Docket No. 22–14]

MSRF, Inc., Complainant v. HMM Company Limited, and Yang Ming Marine Transport Corporation, Respondents; Notice of Filing of Complaint and Assignment

Served: June 8, 2022.

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by MSRF, Inc. (MSRF), hereinafter ''Complainant'', against HMM Company Limited (HMM) and Yang Ming Marine Transport Corporation (Yang Ming), hereinafter ''Respondents''. Complainant alleges that Respondents are ocean common carriers organized under the laws of the Republic of Korea and Taiwan, respectively.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c), 41104(a)(2), 41104(a)(5), 41104(a)(9), and 41104 (a)(10). The full text of the complaint can be found in the Commission's Electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/22-14/.*

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by June 8, 2023, and the final decision of the Commission shall be issued by December 22, 2023.

William Cody,

Secretary.

[FR Doc. 2022–12735 Filed 6–13–22; 8:45 am]

BILLING CODE 6730–02–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 29, 2022.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291, or by email at *MA@mpls.frb.org:*

1. *The Irrevocable Gifting Trust fbo James F. Poepl dated December 21, 2020, James F. Poepl, as trustee, and the Irrevocable Gifting Trust fbo Jacob M. Poepl dated December 21, 2020, Jacob M. Poepl, as trustee, all of Hastings, Minnesota; and the Irrevocable Gifting Trust fbo Matthew J. Poepl dated December 21, 2020, Matthew J. Poepl, as trustee, both of West St. Paul, Minnesota;* to become members of the Poepl Family Group, a group acting in concert, to retain voting shares of Vermillion Bancshares, Inc., and thereby indirectly retain voting shares of Vermillion State Bank, both of Vermillion, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–12814 Filed 6–13–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; ORR Services for Survivors of Torture Program Data Points and Performance Progress Reports (New Collection)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families' (ACF) Office of Refugee Resettlement (ORR) intends to collect demographic, programmatic, and outcome data on Services for Survivors of Torture (SOT) grant recipients and the clients they serve. This data collection will allow ORR to learn more about the populations served; the types and effectiveness of services provided; methods, challenges, and facilitators of implementing services; and grant recipients' progress towards programmatic goals. ORR will collect these data on the new cohort of Services for SOT grant recipients; ORR collected information from the previous grantee cohort under the Generic Performance Progress Report (OMB #0970–0490). ORR has made changes to the data collection instruments for use in the new cohort.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR proposes to use the Program Data Points Form (PDPs) and Performance Progress Reports (PPRs) to collect data on the Services for SOT grant recipients and their clients. In 2019, ORR began requiring the Services for SOT grant recipients to collect and report their PDPs through the ORR Refugee Arrivals Data System (RADS), an information technology platform used for enhanced data collection and record keeping. The new cohort of Services for SOT grant recipients, who will receive 5-year awards in September 2022, will also provide these data points to ORR using RADS. Grant recipients will provide aggregated data on new and continuing clients annually, including demographic information, characteristics related to experiences of torture, services received, and well-being across six outcome domains. Grant recipients will also provide information about community attendance at trainings and pro-bono services donated to the program. In the PPRs, grant recipients will provide primarily narrative information on grant-funded activities and progress towards grant goals biannually.

Information collected will be used in aggregate by ORR to provide reports to stakeholders, including a required report to Congress, and responses to funding requests.

Respondents: Services for SOT grant programs (this may include non-profit social service, health, and higher education organizations, states, municipalities, and for-profit organizations).

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Program Data Points Form (PDPs)	35	1	6	210
Performance Progress Reports (PPRs)—Parts A and B	35	2	6	420

Estimated Total Annual Burden Hours: 630.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 5(a) of the ''Torture Victims Relief Act of 1998,'' Public Law 105–320 (22 U.S.C. 2152 note) Assistance for Treatment of Torture Victims.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–12816 Filed 6–13–22; 8:45 am]

BILLING CODE 4184–46–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB Number 0915–0327—Revision]

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Enrollment and Re-Certification of Entities in the 340B Drug Pricing Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than August 15, 2022.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information collection request title for reference.

Information Collection Request Title: Enrollment and Re-Certification of Entities in the 340B Drug Pricing Program, OMB No. 0915–0327—Revision.

Abstract: Section 602 of Public Law 102–585, the Veterans Health Care Act of 1992, enacted section 340B of the Public Health Service (PHS) Act, which instructs HHS to enter into a Pharmaceutical Pricing Agreement (PPA) with manufacturers of covered outpatient drugs. Manufacturers are required by section 1927(a)(5)(A) of the Social Security Act to enter into agreements with the Secretary of HHS (Secretary) that comply with section 340B of the PHS Act if they participate in the Medicaid Drug Rebate Program. When a drug manufacturer signs a PPA, it is opting into the 340B Drug Pricing Program (340B Program), and it agrees to the statutory requirement that prices charged for covered outpatient drugs to covered entities will not exceed statutorily defined 340B ceiling prices. When an eligible covered entity voluntarily decides to enroll and participate in the 340B Program, it accepts responsibility for ensuring compliance with all provisions of the 340B Program, including all associated costs. Covered entities that choose to participate in the 340B Program must comply with the requirements of section 340B(a)(5) of the PHS Act. Section 340B(a)(5)(A) of the PHS Act prohibits a covered entity from accepting a discount for a drug that would also generate a Medicaid rebate. Further, section 340B(a)(5)(B) of the PHS Act prohibits a covered entity from reselling or otherwise transferring a discounted drug to a person who is not a patient of the covered entity.

Need and Proposed Use of the Information: To ensure the ongoing responsibility to administer the 340B Program while maintaining efficiency, transparency and integrity, HRSA developed a process of registration for covered entities to enable it to address specific statutory mandates. Specifically, section 340B(a)(9) of the PHS Act requires HRSA to notify manufacturers of the identities of covered entities and of their status pertaining to certification and annual recertification in the 340B Program pursuant to section 340B(a)(7) and the establishment of a mechanism to prevent duplicate discounts as outlined at section 340B(a)(5)(A)(ii) of the PHS Act.

In addition, section 340B(a)(1) of the PHS Act requires each participating manufacturer to enter into an agreement with the Secretary in order to offer covered outpatient drugs to 340B covered entities.

Finally, section 340B(d)(1)(B)(i) of the PHS Act requires the development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities.

HRSA is requesting approval for existing information collections. HRSA notes that the previously approved collections are mostly unchanged, except some of the forms have been revised to increase program efficiency and integrity. Below are descriptions of each of the forms and any resulting revisions that are captured in both the registration and pricing component of the 340B Office of Pharmacy Affairs Information System (OPAIS).

Enrollment/Registration/Recertification

To enroll and certify the eligibility of federally funded grantees and other safety net health care providers, HRSA requires covered entities to submit administrative information (*e.g.,* shipping and billing arrangements, Medicaid participation), certifying information (*e.g.,* Medicare Cost Report information, documentation supporting the hospital's selected classification) and attestation from appropriate grantee level or entity level authorizing officials and primary contacts. To maintain accurate records, HRSA requests entities to submit modifications to any administrative information that they submitted when initially enrolling into the Program. Covered entities participating in the 340B Program have an ongoing responsibility to immediately notify HRSA in the event of any change in eligibility for the 340B Program. No less than on an annual basis, covered entities need to certify the accuracy of the information provided and continued maintenance of their eligibility and to comply with statutory mandates of the Program.

Registration and annual recertification information is entered into the 340B OPAIS by covered entities and verified by HRSA staff according to 340B Program requirements. The following forms are being revised:

1. *340B Program Registrations & Recertifications for Hospitals (applies to all hospital types):* In September 2017, HRSA launched 340B OPAIS, which

among other things, removed the attestation requirement from the Government Official for the classification of a parent hospital, but it was still required for the covered entity to enter the Government Official contact information. As covered entities are no longer required to obtain this attestation, HRSA is removing the requirement for the covered entity to enter the Government Official contact information in 340B OPAIS. This will not change the burden on the entities.

2. *340B Registrations & Recertifications for Ryan White Entities:* Previously, HRSA requested that any Ryan White entity provide its Notice of Funding Opportunity (NOFO) number at the time of registration and recertification. After reevaluation, HRSA has determined that the NOFO number is an unnecessary component to determine the eligibility of a Ryan White entity's registration. Since the NOFO number correlates to the Ryan White entity's Federal Grant Number, which is already required to be entered in 340B OPAIS during registration, the NOFO number is not needed. This will not change the burden on the covered entities.

3. *340B Registration, Recertification & Change Requests for Shipping Address:* HRSA is providing additional clarification for covered entities to complete the shipping address section in 340B OPAIS to assist in determining the exact shipping address location and relationship to the covered entity. This clarification will not change burden on entities.

4. *340B Program Registrations, Recertifications & Change Requests for Hospitals (applies to rural referral centers and sole community hospital entity types):* HRSA is revising the 340B OPAIS registration for the rural referral centers and sole community hospital types, in an effort to provide guidance that determines the eligibility criteria. If applicable, 340B OPAIS will prompt the covered entity for documentation that supports eligibility, which will be attached as part of its registration, recertification or change request submission. Currently, the request for the supporting eligibility documentation is obtained during the submission review process; therefore, this requirement would not change the burden on the entities.

5. *340B Program Change Requests for Hospitals:* HRSA will allow hospital qualification information such as, the Disproportionate Share Adjustment Percentage, control type, hospital classification, and contract start date, to be changed under a change request submission as well as during recertification. This requirement would not change the burden on the entities, as this is an option to change the information by the hospital.

6. *340B Primary Contact and Authorizing Official Information:* HRSA removed the FAX number field. This does not change the burden on covered entities, as this was an optional field.

7. *340B Program Recertifications & Change Requests for Hospitals:* HRSA is clarifying when the covered entity would initiate a name change in 340B OPAIS. If applicable, 340B OPAIS will prompt the covered entity for documentation that supports the name change, which will be attached as part of its recertification or change request submission. Currently, the request for the supporting name change documentation is obtained during the submission review process, therefore, this requirement would not change the burden on covered entities.

Contract Pharmacy Certification

In order to ensure that drug manufacturers and drug wholesalers recognize contract pharmacy arrangements, covered entities that elect to utilize one or more contract pharmacies are required to submit general information about their contract pharmacy arrangements and certify that signed agreements are in place with those contract pharmacies. There is no change in burden on the entities.

Pharmaceutical Pricing Agreement and Addendum

In accordance with the 340B Program guidance issued in the May 7, 1993, **Federal Register**, section 340B(a)(1) of the PHS Act provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a Pharmaceutical Pricing Agreement (the ''Agreement'') with the Secretary of Health and Human Services (the ''Secretary'') in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed the average manufacturer price (''AMP'') decreased by a rebate percentage. In addition, section 340B(a)(1) of the PHS Act includes specific required components of the PPA with manufacturers of covered outpatient drugs. In particular, section 340B(a)(1) includes the following requirements:

I. ''Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered outpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the ''ceiling price'') and

II. ''. . . shall require that the manufacturer offer each covered entity covered outpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.''

The burden imposed on manufacturers by submission of the PPA and PPA Addendum is low as the information is readily available.

Pricing Data Submission, Validation and Dissemination

In order to implement section 340B(d)(1)(B)(i)(II) of the PHS Act, HRSA developed a system to calculate 340B ceiling prices prospectively from data obtained from the Centers for Medicare & Medicaid Services as well as a third party commercial database. However, in order to conduct the comparison required under the statute, manufacturers must submit the quarterly pricing data as required by section 340B(d)(1)(B)(i)(II). The 340B OPAIS securely collects the following data from manufacturers on a quarterly basis: AMP, unit rebate amount, package size, case pack size, unit type, national drug code, labeler code, product code, period of sale (year and quarter), FDA product name, labeler name, wholesale acquisition cost, and the manufacturer determined ceiling price for each covered outpatient drug produced by a manufacturer subject to a PPA. The burden imposed on manufacturers is low because the information requested is readily available and utilized by manufacturers in other areas.

Likely Respondents: Drug manufacturers and covered entities.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Hours per respondent	Total burden hours
Hospital Enrollment, Additions & Recertifications					
340B Program Registrations & Certifications for Hospitals *	131	1	131	2.00	262
Certifications to Enroll Hospital Outpatient Facilities *	620	7	4,340	0.50	2,170
Hospital Annual Recertifications *	2,618	10	26,180	0.25	6,545
Registrations and Recertifications for Entities Other Than Hospitals					
340B Registrations for Community Health Centers *	679	1	679	1.00	679
340B Registrations for STD/TB Clinics *	864	1	864	1.00	864
340B Registrations for Various Other Eligible Entity Types *	166	1	166	1.00	166
Community Health Center Annual Recertifications *	1,277	7	8,939	0.25	2,235
STD & TB Annual Recertifications *	4,033	1	4,033	0.25	1,008
Annual Recertification for entities other than Hospitals, Community Health Centers, and STD/TB Clinics *	4,472	1	4,472	0.25	1,118
Contracted Pharmacy Services Registration & Recertifications					
Contracted Pharmacy Services Registration	3,446	11	37,906	1.00	37,906
Other Information Collections					
Submission of Administrative Changes for any Covered Entity *	19,322	1	19,322	0.25	4,831
Submission of Administrative Changes for any Manufacturer *	350	1	350	.50	175
Pharmaceutical Pricing Agreement and PPA Addendum	200	1	200	1.00	200
Total	38,178		99,542		58,159

* Minor revisions since last the OMB submission, but burden was not affected.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–12776 Filed 6–13–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group; Biobehavioral and Behavioral Sciences Study Section.

Date: July 22, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Luis E. Dettin, Ph.D., M.S., M.A., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892, (301) 219–3044, *luis.dettin@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: June 8, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12800 Filed 6–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Small Business: Health Informatics, June 29, 2022, 10:00 a.m. to June 29, 2022, 7:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on June 03, 2022, FR Doc 2022–11873, 87 FR 33799.

This notice is being amended to change the meeting date from June 29, 2022, to June 29, 2022—June 30, 2022. The meeting is closed to the public.

Dated: June 8, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12799 Filed 6–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel; NCMRR Early Career Research Award.

Date: July 7–8, 2022.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137C, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Kimberly L. Houston, M.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137C, Bethesda, MD 20892, (301) 827–4902, *kimberly.houston@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: June 8, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12798 Filed 6–13–22; 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: June 29, 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 8, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12801 Filed 6–13–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2021–0738]

Final Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement Offshore Patrol Cutter Acquisition Program

AGENCY: Coast Guard, DHS.

ACTION: Notice of Availability; request for comments.

SUMMARY: The U.S. Coast Guard announces the availability of the Final Programmatic Environmental Impact Statement (PEIS)/Overseas Environmental Impact Statement (POEIS) for the Offshore Patrol Cutter (OPC) Program's Stage 2 acquisition of up to 21 OPCs and operation of up to 25 total OPCs to replace the capabilities of the existing fleet of Medium Endurance Cutters (MEC) (Proposed Action). In accordance with National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA implementing regulations, and Executive Order 12114 ''Environmental Effects Abroad of Major Federal Actions,'' the Final PEIS/POEIS analyzes the potential environmental and socioeconomic impacts of the acquisition and identifies related mitigation measures associated with the acquisition and operation of up to 25 OPCs.

DATES: Comments and related material must be post-marked or received by the Coast Guard on or before July 14, 2022. No decision will be made until at least 30 days after publication of the Notice of Availability (NOA) in the **Federal Register** by the U.S. Environmental Protection Agency, at which time the Coast Guard may execute a Record of Decision (ROD).

ADDRESSES: The Final PEIS/POEIS is available in the docket which can be found by searching the docket number USCG–2021–0738 using the Federal Decision Making Portal at *https://www.regulations.gov,* or by downloading from the project website at *https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/.* Requests for additional information should be sent to U.S. Coast Guard Headquarters, ATTN: Andrew Haley, 2700 Martin Luther King Jr. Ave. SE, Washington, DC 20593.

We encourage you to submit comments and related material on the

Final PEIS. We will consider all submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting Comments: You may submit comments on the Final PEIS/POEIS by one of the following methods:

- *Via the Web:* You may submit comments identified by docket number USCG–2021–0738 using the Federal eRulemaking Portal at *https://www.regulations.gov.*
- *Via U.S. Mail:* U.S. Coast Guard Headquarters, ATTN: Andrew Haley, 2700 Martin Luther King Jr. Ave. SE, Washington, DC 20593. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered.

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

FOR FURTHER INFORMATION CONTACT: Please contact Andrew Haley, U.S. Coast Guard; email *HQS-SMB-OPCEIS@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States Coast Guard (Coast Guard), a military, multi-mission, maritime service within the Department of Homeland Security (DHS), is proposing to continue the acquisition of up to 25 Offshore Patrol Cutters (OPCs) each with a design service life of 30 years to replace 28 aging Medium Endurance Cutters (MECs; *Famous* and *Reliance*-Class) which would then be or have already been decommissioned. There is no redundant vessel capability within the Coast Guard or other government agencies.

The OPC program is a DHS Level 1 Major Acquisition Program that provides surface assets to bridge the Coast Guard's operational capability gap between the National Security Cutters (NSC) that patrol the open ocean and the Fast Response Cutters (FRC), which primarily operate within 50 nautical miles (nm; 93 kilometers (km)) from shore. The complete OPC Program of Record comprises 25 OPCs. OPC Stage 1 is already under contract to provide the first four OPCs. OPC Stage 2 is the focus of this PEIS/POEIS and would provide the remaining 21 OPCs. The purpose of the OPC program is to provide the Coast Guard with a reliable and operationally available presence to accomplish assigned missions in offshore waters. Typical OPC operations would occur between 12 nm from shore and inside 200 nm (370 km), but they could be deployed anywhere around the globe where national interests require. These missions may require an extended on-scene vessel presence, a long transit time to reach the operational area, or a forward deployment of forces in support of national defense. Without replacement of the MECs and the USCGC ALEX HALEY, the Coast Guard could face an increasing risk of failure to maintain the capability to execute its mission and provide timely services in offshore waters. The Proposed Action would enable the Coast Guard to continue to ensure the Nation's maritime safety, security, and stewardship.

Similar to the MEC's operations, the Proposed Action would include vessel and aircraft operations supporting a range of missions including maritime patrol, fisheries protection, port security, disaster response, and drug and migrant interdiction. Full operational capability would be achieved when all planned OPCs have been produced and are operational. Coast Guard OPC operations and training would occur after delivery of each OPC from the shipbuilder to the Coast Guard. For example, the completion of the first OPC is expected in 2023 and it is expected to become operational in 2024. Completed construction of one new OPC is scheduled annually through 2028. Beginning in 2029, completion of two new OPCs is scheduled annually until all 25 have been constructed. OPCs would be operationally ready one year after delivery to the Coast Guard from the shipbuilder. The projected construction completion date of all 25 OPCs is 2037.

The Proposed Action would include delivery, training, operations, and maintenance of up to 25 OPCs to replace the capabilities of the MECs. The Final PEIS/POEIS analyzes the potential environmental and socioeconomic impacts associated with the Proposed Action, including direct, indirect, and cumulative effects, and mitigation measure to minimize impacts.

The Coast Guard submitted a request for consultation under Section 7 of the Endangered Species Act (ESA) to the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS; the Services) for those endangered or threatened species under their respective jurisdictions. Determinations made in the PEIS/POEIS regarding endangered or threatened species, as well as critical habitat, should be considered preliminary, as the consultation process under Section 7 of the ESA is ongoing and has not been completed. On April 13, 2022, the Coast Guard submitted letters to NMFS and the USFWS under Section 7(d) of the ESA confirming that there would be no irretrievable commitment of resources that would preclude any reasonable and prudent alternatives as the Coast Guard works together with the Services towards completing consultation before the first OPC is delivered to the Government. The Coast Guard also requested consultation under the Magnuson-Stevens Fishery Conservation and Management Act on designated essential fish habitat (EFH) and anticipates completion before the first OPC is delivered. The determinations presented herein may be modified as a result of the ESA and EFH consultations.

The Coast Guard is not requesting authorization under Section 101(a)(5) of the Marine Mammal Protection Act (MMPA) at this time, because the Proposed Action discussed in this PEIS/POEIS would not deliver the first operational OPC until 2024. The PEIS/POEIS may contain information relevant and applicable to assist with future Coast Guard consultations that are in support of a request for future incidental take authorizations under the MMPA.

The Coast Guard identified three reasonable alternatives that would meet the purpose and need of the Proposed Action; these three Action Alternatives are analyzed in detail in the Final PEIS/POEIS.

1. *Alternative 1 (Preferred Alternative):* The Coast Guard would acquire and operate up to 25 OPCs to fulfill mission requirements in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean, including Alaska, and Hawaii and Pacific Islands. Completed construction of one new OPC is scheduled annually through 2028; therefore, construction of OPC–1–4 would be completed by Fiscal Year (FY) 2027. Beginning in 2029, two new OPCs would be constructed annually with a projected construction completion date for all 25 OPCs by 2037. OPCs would be operationally ready one year after delivery to the Coast Guard from the shipbuilder. This notional construction schedule would allow for MECs to be decommissioned and the Coast Guard to remain present with no delay in service to complete the Coast Guard's missions.

2. *Alternative 2:* The Coast Guard would explore the acquisition of fewer OPCs after the completion of OPC–1 through OPC–4 (which are still under contract). Five, ten, or fifteen OPCs would be considered via a re-competition of the original OPC contract as replacements for a corresponding number of in-service MECs. The Coast Guard would then replace the remaining MECs on a one-for-one basis, using whatever replacement hulls the Coast Guard could obtain when deterioration or obsolescence requires decommissioning. The life cycle training and logistical costs of maintaining several unique hulls would exceed the corresponding costs of maintaining a class of 25 cutters that would be built specifically to conduct missions in proposed action areas. Costs and challenges are similar to what is described under Alternative 3.

3. *Alternative 3:* The Coast Guard would explore various forms of cutter purchase or lease, or inherit vessels from the Navy, as the need arises. This would mean that as a MEC reaches or surpasses the end of its economic and operational service life, that cutter would not necessarily be replaced with the same type of asset or by an asset with similar capabilities.

The challenges involved with one-for-one MEC replacements are best demonstrated by the 1999 acquisition of the U.S. Navy's USS EDENTON, a salvage and rescue ship. The Coast Guard recommissioned the ship as the USCGC ALEX HALEY. The ship was designed in the early 1970s and, except for replacing her aged diesel engines, no significant environmental improvements were made. This is typical of a one-off ship acquisition because there is little justification for the extensive or expensive non-recurring design engineering costs for specifications that would make the vessel capable of conducting missions assigned to MECs. Maintenance records maintained by the Surface Forces Logistics Center confirm the maintenance costs per operating hour for USCGC ALEX HALEY ($2,345) are 62 percent higher than the equivalent costs for maintaining the average 270 ft (82 m) cutter ($1,445), as is typical for a one-of-a-kind ship. One-for-one MEC replacement would cost far more per replacement hull because it eliminates any workforce savings associated with a ship with capabilities designed specifically to conduct Coast Guard missions in offshore areas. The purchase, lease, or inherit alternative includes the lack of an existing domestic commercial vessel capable of meeting available options to Purchase and Build-to-Lease. One of the major challenges with this approach is that the Coast Guard would not have an integrated system of systems, thus assets would not be able to communicate in real time, they would operate at differing levels of efficiency (resulting in decreased efficiency throughout the system), and maintenance costs would be higher.

The Coast Guard also carried forward the No Action Alternative for detailed analysis in the Final PEIS/POEIS. While the No Action Alternative would not satisfy the purpose and need for the Proposed Action, this alternative was retained to provide a comparative against which to analyze the effects of the Action Alternatives as required under CEQ's NEPA regulation.

Resource areas analyzed in the Final PEIS include: air quality, ambient sound, biological resources and critical habitat, and socioeconomic resources.

Stressors analyzed in the Final PEIS include: acoustic stressors (fathometer and Doppler speed log noise, vessel noise, aircraft noise, and gunnery noise) and physical stressors (vessel movement, aircraft movement, and military expended materials).

Based on the analysis presented in the Final PEIS/POEIS, potentially adverse impacts could occur to biological resources (*i.e.,* from disturbance); however, practical mitigation measures presented in the Final PEIS/POEIS are expected to reduce any of these potential adverse effects. As a result, impacts to all resource areas would be less-than-significant (*i.e.,* negligible, minor, or moderate) adverse or beneficial, which may result in the Coast Guard making a finding of no significant impact in the ROD. However, these findings are not final until the Coast Guard executes a ROD.

A Notice of Availability and request for comments was published in the **Federal Register** Notice (86 FR 52162; September 20, 2021) to notify the public of the 45 day public review period of the Draft PEIS/POEIS. The Coast Guard received comments from the U.S. Environmental Protection Agency and two comments from the public. The Coast Guard considered and addressed in the Final PEIS/POEIS comments received on the Draft PEIS during the comment period. Public comments did not result in the addition of substantive revisions to the Draft PEIS. Responses to comments are in Appendix I of the Final PEIS/POEIS. An electronic copy of the Final PEIS/POEIS can be obtained using the Federal eRulemaking Portal at *https://www.regulations.gov* identified by docket number USCG–2021–0738, or by downloading from the project website at *https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/.*

After publication of this NOA of the Final PEIS/POEIS, the Coast Guard will prepare and publish its ROD announcing which Alternative is environmentally preferred and which Alternative it selects for implementation (be it an Action Alternative or the No Action Alternative). Publication of the Final ROD will occur no sooner than 30 days after the publication of the Final PEIS/POEIS. This notice is issued under authority of NEPA, specifically in compliance with 42 U.S.C. 4332(2)(C) and CEQ implementing regulations in 40 CFR parts 1500 through 1508 and Executive Order 12114 titled ''Environmental Effects Abroad of Major Federal Actions.''

Dated: June 8, 2022.

Andrew T. Pecora,

Captain, U.S. Coast Guard, OPC Program Manager (CG–9322).

[FR Doc. 2022–12782 Filed 6–13–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 22–12]

Tuna Tariff-Rate Quota for Calendar Year 2022 Tuna Classifiable Under Subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Announcement of the quota quantity of tuna in airtight containers for Calendar Year 2022.

SUMMARY: Each year, the tariff-rate quota for tuna described in subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS), is calculated as a percentage of the tuna in airtight containers entered, or withdrawn from warehouse, for consumption during the preceding calendar year. This document sets forth the tariff-rate quota for Calendar Year 2022.

DATES: The 2022 tariff-rate quota is applicable to tuna in airtight containers entered, or withdrawn from warehouse, for consumption during the period January 1, 2022 through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Julia Peterson, Chief, Quota and Agricultural Branch, Interagency Collaboration Division, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection, Washington, DC 20229–1155, at (202) 384–8905 or by email at *HQQUOTA@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

It has been determined that 14,672,350 kilograms of tuna in airtight containers may be entered, or withdrawn from warehouse, for consumption during Calendar Year 2022, at the rate of 6.0 percent *ad valorem* under subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS). Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent *ad valorem* under subheading 1604.14.30, HTSUS.

Dated: June 8, 2022.

AnnMarie R. Highsmith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2022–12723 Filed 6–13–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–24]

30-Day Notice of Proposed Information Collection: HECM Counseling Client Survey, OMB Control No.: 2502–0585

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* July 14, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 30 days was published on March 15, 2022 at 87 FR 14552.

A. Overview of Information Collection

Title of Information Collection: HECM Counseling Survey.

OMB Approval Number: 2502–0585.

OMB Expiration Date: August 31, 2019.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: HUD–92911.

Description of the need for the information and proposed use: This collection expired on August 31, 2019. The Office of Housing Counseling does not use this form and wants to discontinue this collection however PRA Collection 2502–0585 must be reinstated before form OMB 83–D can be submitted to request that this collection be approved for discontinuation by OMB.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 300.

Estimated Number of Responses: 300.

Frequency of Response: 1.

Average Hours per Response: .25.

Total Estimated Burden: 75 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2022–12750 Filed 6–13–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–24]

30-Day Notice of Proposed Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register, OMB Control No.: 2502–0539

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* July 14, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to *OIRA_submission@omb.eop.gov* or *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. (not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 7, 2022 at 87 FR 6889.

A. Overview of Information Collection

Title of Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register.

OMB Approval Number: 2502–0539.

Type of Request: Revision of a currently approved collection.

Form Number: FR HUMDA–LAR.

Description of the need for the information and proposed use: The HMDA Loan/Application Register collects information from mortgage lenders on application for, and originations and purchases of, mortgage and home improvement loans. Non-depository mortgage lending institutions are required to use the information generated as a running log throughout the calendar year and send the information to HUD by March 1 of the following calendar year.

Respondents: Business and Other for-profit; Not-for-profit institutions.

Estimated Number of Respondents: 903.

Estimated Number of Responses: 1,056.

Frequency of Response: On Occasion/Quarterly/Annually.

Average Hours per Response: 120.

Total Estimated Burdens: 2,245,563 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2022–12751 Filed 6–13–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–26]

30-Day Notice of Proposed Information Collection: Builder's Certification of Plans, Specifications, & Site, OMB Control No. 2502–0496

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* July 14, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 11, 2022 at 87 FR 14027.

A. Overview of Information Collection

Title of Information Collection: Builder's Certification of Plans, Specifications, and Site.

OMB Approval Number: 2502–0496.

OMB Expiration Date: July 31, 2022.

Type of Request: Extension of currently approved collection.

Form Number: HUD–92541.

Description of the need for the information and proposed use: Builders use the form to certify that a property does not have adverse conditions and is not located in a special flood hazard area. The certification is necessary so that HUD does not insure a mortgage on property that poses a risk to the health and safety of the occupant.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 166,080.

Estimated Number of Responses: 201,736.

Frequency of Response: Occasional with 0.66 for builders and 7.61 for new construction lenders.

Average Hours per Response: 0.075.

Total Estimated Burden: 15,130.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2022–12752 Filed 6–13–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2022–N021; FXES11140100000–223–FF01E0000]

Port Blakely Company; John Franklin Eddy Forestlands Habitat Conservation Plan and Environmental Assessment; Receipt of Incidental Take Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS), have received an incidental take permit (ITP) application from the Port Blakely Company, including a habitat conservation plan (HCP) for the John Franklin Eddy Forestlands in Clackamas County, Oregon. Port Blakely submitted the ITP application and HCP pursuant to the Endangered Species Act. The National Marine Fisheries Service (NMFS) also received an ITP application from Port Blakely and, concurrent with this notice, has also published a notice of availability for comment on the ITP application, the applicant's HCP, and, as the lead Federal agency under the National Environmental Policy Act, a draft environmental assessment (draft EA) analyzing the potential effects of issuance of the respective ITPs. We invite the public and local, State, Tribal, and Federal agencies to comment on these documents.

DATES: Written comments must be received by no later than 5 p.m. Pacific Standard Time on July 14, 2022. Any comments received after the closing date may not be considered in the final decision on these actions.

ADDRESSES:

Obtaining documents: The HCP and draft EA are available on the internet at *https://www.fisheries.noaa.gov/action/port-blakely-habitat-conservation-plan-john-franklin-eddy-forestlands.*

Submitting comments: Submit comments in writing via email to *portblakely.hcp@noaa.gov.* Include the following in the email subject line: ''Comments on Port Blakely HCP/Draft EA.'' Please specify whether your comments are associated with the HCP or the draft EA, and refer to the specific page number and line number of the document on which you are commenting. FWS and NMFS will consider all relevant comments submitted in response to the respective notices of availability. There is no need to submit identical comments in response to both notices (please also see Public Availability of Comments).

FOR FURTHER INFORMATION CONTACT: Joe Zisa, by email at *Joe_Zisa@fws.gov* or via phone at 503–231–6961. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (FWS), have received an incidental take permit (ITP) application from the Port Blakely Company, including a habitat conservation plan (HCP) for the John Franklin Eddy Forestlands in Clackamas County, Oregon. Port Blakely submitted the ITP application and HCP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The permit, if issued, would authorize incidental take of species under FWS jurisdiction resulting from the timber harvest, silviculture, road management, and conservation activities described in the HCP, for a permit term of 50 years.

The National Marine Fisheries Service (NMFS) also received an ITP application and, concurrent with this notice, has also published a notice of the availability for comment on that ITP application, the HCP and, as the lead Federal agency under the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), a draft environmental assessment (draft EA) analyzing the potential effects of issuance of the respective ITPs. FWS is a cooperating agency under NEPA for this proposed action. Both notices are soliciting public comments through a single process, described below.

Species Included in the Habitat Conservation Plan

Port Blakely's habitat conservation plan (HCP) includes three ESA-listed species that are under the jurisdiction of FWS, and three ESA-listed species that are under the jurisdiction of NMFS. The HCP also includes 14 species not listed under the ESA.

ESA-Listed Species Under FWS Jurisdiction:

- Bull trout (*Salvelinus confluentus*): threatened
- Gray wolf (*Canis lupus*): endangered
- Northern spotted owl (*Strix occidentalis caurina*): threatened

ESA-Listed Species Under NMFS Jurisdiction:

- Chinook salmon (*Oncorhynchus tshawytscha*): threatened Lower Columbia River (LCR) evolutionarily significant unit (ESU); threatened Upper Willamette River (UWR) ESU
- Coho salmon (*Oncorhynchus kisutch*): threatened LCR ESU
- Steelhead (*Oncorhynchus mykiss*): threatened LCR distinct population segment (DPS); threatened UWR DPS

Non-ESA-Listed Species:

- Pacific lamprey (*Lampetra tridentata*)
- Cascades frog (*Rana cascadae*)
- Coastal tailed frog (*Ascaphus truei*)
- Cascade torrent salamander (*Rhyacotriton cascadae*)
- Oregon slender salamander (*Batrachoseps wright*)
- Western/North Pacific pond turtle (*Actinemys marmorata marmorata*)
- Northern goshawk (*Accipiter gentilis*)

- Pacific fisher (*Pekania pennanti*)
- Townsend's big-eared bat (*Corynorhinus townsendii* spp.)
- Hoary bat (*Lasiurus cinereus*)
- Silver-haired bat (*Lasionycteris noctivagans*)
- Fringed myotis bat (*Myotis thysanodes*)
- Long-eared myotis bat (*Myotis evotis*)
- Long-legged myotis bat (*Myotis volans*)

Background

Section 9 of the ESA prohibits the taking of a species listed as endangered or threatened. The ESA defines ''take'' to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The FWS may issue permits, under limited circumstances, to take listed species incidental to otherwise lawful activities pursuant to section 10(a)(1)(B) of the ESA and implementing regulations (50 CFR 17.22(b) and 17.32(b)).

On August 16, 2020, NMFS and FWS received separate applications from Port Blakely for ITPs to authorize take of the above species that may occur incidental to Port Blakely's timber harvest, silviculture, road management, and conservation activities on approximately 30,000 acres of its John Franklin Eddy Forestlands in the Clackamas River and Molalla River Basins of Oregon. In association with the applications, the applicant submitted a HCP, which specifies the impacts to the species that will likely result from implementing the covered activities, steps that Port Blakely will take to minimize and mitigate such impacts, procedures to account for unforeseen or changed circumstances, a plan for monitoring and adaptive management, and a description of funding assurances. Authorization for take of the species not currently listed under the ESA addressed by the HCP would be included in the ITP proposed for issuance by FWS; the take authorization would be in effect for one or more of the species if the FWS lists the species during the permit term.

The proposed issuance of the ITPs is considered a Federal action under NEPA, and NMFS prepared a draft environmental assessment (EA) to analyze the potential impacts on the human environment in accordance with the requirements of NEPA, with input from FWS as a cooperating agency. Further information regarding the Draft EA is described in the NMFS notice of availability.

Next Steps

After the public comment period ends (see **DATES**), FWS and NMFS will each evaluate the permit applications, associated documents, and any comments received to make their permit decisions based on the statutory and regulatory criteria of the ESA. Each agency will document its determination independently, in separate ESA section 10 findings documents and ESA Section 7 biological opinions. NMFS will also finalize the EA and determine whether the proposed action warrants a finding of no significant impact, or whether an environmental impact statement should be prepared pursuant to NEPA.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

Section 10(c) of the ESA and its implementing regulations (50 CFR 17.22, and 50 CFR 17.32).

Hugh Morrison,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–12118 Filed 6–13–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[223A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Amendment Between Sauk-Suiattle Indian Tribe and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Third Amendment to the Tribal-State Compact (Amendment) between the Sauk-Suiattle Indian Tribe (Tribe) and the State of Washington (State).

DATES: The Amendment takes effect on June 14, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Amendment authorizes the Tribe to engage in sports wagering at the Tribe's class III gaming facilities, updates the Compact to reflect this change in various sections, and incorporates Appendix S, Sports Wagering. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–12740 Filed 6–13–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[223A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Approval of 20 Tribal-State Class III Gaming Compact Amendments With the State of Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice publishes the approval of the 2022 Amendments to the 2021 class III gaming compacts between the following Tribes: Ak-Chin Indian Community; Cocopah Tribe of Arizona; Colorado River Indian Tribes of the Colorado River Indian Reservation; Fort McDowell Yavapai Nation; Fort Mojave Indian Tribe of Arizona, California & Nevada; Gila River Indian Community of the Gila River Indian Reservation; Havasupai Tribe of the Havasupai Reservation; Hualapai Indian Tribe of the Hualapai Indian Reservation; Kaibab Band of Paiute

Indians of the Kaibab Indian Reservation; Navajo Nation; Pascua Yaqui Tribe of Arizona; Quechan Tribe of the Fort Yuma Indian Reservation; Salt River Pima-Maricopa Indian Community of the Salt River Reservation; San Carlos Apache Tribe of the San Carlos Reservation; San Juan Southern Paiute Tribe; Tohono O'odham Nation of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation; Yavapai Apache Nation of the Camp Verde Indian Reservation; and the Zuni Tribe of the Zuni Reservation and the State of Arizona (State).

DATES: The compact takes effect on June 14, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Assistant Secretary—Indian Affairs, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The 2022 Amendments modify certain definitions and provisions in the 2021 Compact to clarify the understanding of all parties to the agreement that the 2021 Compact was intended to permit the Tribes to offer on-Reservation remote event wagering under IGRA. The 2022 Amendments are approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–12743 Filed 6–13–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[OMB Control Number 1076–0143; 2231A2100DD/AAKC001030/ A0A501010.999900]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Self-Governance Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Assistant Secretary—Indian Affairs (AS–IA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 14, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to *comments@bia.gov.* Please reference OMB Control Number 1076–0143 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, by email at *Sharee.Freeman@bia.gov,* or by telephone at (202) 219–0240. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on December 30, 2021 (86 FR 74419). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Self-Governance program is authorized by the Tribal Self-Governance Act of 1994, 25 U.S.C. 5361–5368, as amended (the Act). Indian Tribes interested in entering into Self-Governance must submit certain information as required by the Act. In addition, those Tribes and Tribal consortia that have entered into Self-Governance funding agreements will be requested to submit certain information as described in 25 CFR 1000. This information will be used to justify a budget request submission on their behalf and to comport with section 405 of the Act that calls for the Secretary to submit an annual report to the Congress.

Title of Collection: Tribal Self-Governance Program.

OMB Control Number: 1076–0143.

Form Number: Annual Self-Governance Report Form.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes and Tribal consortia participating in or wishing to enter into Tribal Self-Governance.

Total Estimated Number of Annual Respondents: 75.

Total Estimated Number of Annual Responses: 84.

Estimated Completion Time per Response: Completion times vary from 15 minutes to 400 hours, with an average of approximately 43 hours.

Total Estimated Number of Annual Burden Hours: 4,443 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion or annually.

Total Estimated Annual Nonhour Burden Cost: $10,500.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2022–12793 Filed 6–13–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[223A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Between the Crow Creek Sioux Tribe of the Crow Creek Reservation and the State of South Dakota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Amendment to the Gaming Compact (Amendment) between the Crow Creek Sioux (Tribe) and the State of South Dakota (State).

DATES: The Amendment takes effect on June 14, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment permits the Tribe to operate sports wagering within the Crow Creek Sioux Reservation, defines terms for sports wagering and requires the Tribe to meet or exceed South Dakota's hardware and software specifications. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–12742 Filed 6–13–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–34045; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 4, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by June 29, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 4, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Larimer County

Vincent-Hatchette Cabin (Rocky Mountain National Park MPS), 1629 Bear Lake Rd., Estes Park vicinity, MP100007903

GEORGIA

Chatham County

Williams, Clarence and Louise Golden, House, 2211 Norwood Ave., Sandfly Community, Savannah, SG100007895

MICHIGAN

Oakland County

Bull, Elijah, House, 6115 Wing Lake Rd., Bloomfield Township, SG100007893

MISSOURI

Lafayette County

Forest Grove Cemetery, 892 Golf Rd., Lexington vicinity, SG100007905

MONTANA

Jefferson County

Beavertown Historic District, Address Restricted, Jefferson City vicinity, SG100007897

Sanders County

Thompson Falls Hydroelectric Dam Historic District (Boundary Increase and Decrease), (Thompson Falls MRA), US ALT 10 at Clark Fork River within NW part of Thompson Falls, Thompson Falls vicinity, BC100007902

NEW JERSEY

Passaic County

Belle Vista (Boundary Increase), 3 Valley Rd., Paterson, BC100007899

NEW YORK

Erie County

St. Paul's Roman Catholic Church Complex, 2930 Delaware Ave., 45 Victoria Blvd., Kenmore, SG100007890

Monroe Motor Car Company Building and the Main Garage Company Building, 1786–1796 Main St., 1040 Lafayette Ave., Buffalo, SG100007891

OHIO

Cuyahoga County

Audubon School, 3055 Martin Luther King Jr. Dr., Cleveland, SG100007904
McKinley School, 3349 W 125th St., Cleveland, SG100007907

TENNESSEE

Dickson County

Montgomery Bell CCC Camp SP–5/NP–15, 1020 Jackson Hill Rd., Burns, SG100007906

Additional documentation has been received for the following resources:

ARIZONA

Yavapai County

East Prescott Historic District (Additional Documentation), (Prescott Territorial Buildings MRA), 512 East Willis St., Prescott, AD89000165

MAINE

York County

Kennebunk Historic District (Additional Documentation), Vicinity of Summer, Maine, Portland, Fletcher, and Dane St., Kennebunk, AD74000324

MONTANA

Sanders County

Thompson Falls Hydroelectric Dam Historic District (Additional Documentation) (Thompson Falls MRA), US ALT 10 at Clark Fork River within NW part of Thompson Falls, Thompson Falls vicinity, AD86002756

NEW JERSEY

Passaic County

Belle Vista (Additional Documentation), 3 Valley Rd., Paterson, AD76001180

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

ALABAMA

Baldwin County

C.S.S. HUNTSVILLE and C.S.S. TUSCALOOSA Historic and Archaeological District, Address Restricted, Mobile vicinity, SG100007894

CALIFORNIA

Santa Barbara County

Santa Rosa Island Archeological District, Address Restricted, Santa Rosa Island vicinity, SG100007896

NEW YORK

Albany County

Albany VA Main Hospital Building, (United States Third Generation Veterans Hospitals, 1946–1958 MPS), 113 Holland Ave., Albany, MP100007908

Westchester County

Franklin Delano Roosevelt Veterans Hospital Historic District, (United States Third Generation Veterans Hospitals, 1946–1958 MPS), 2094 Albany Post Rd., Montrose, MP100007887

(Authority: Section 60.13 of 36 CFR part 60)

Dated: June 7, 2022.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–12789 Filed 6–13–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1295]

Certain Integrated Circuit Products and Devices Containing the Same; Commission Determination Not To Review an Initial Determination Granting Complainant's Motions To Terminate the Investigation Based on Withdrawal and Settlement; Termination of the Investigation In Its Entirety

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 17), granting complainant's motions to terminate the investigation based on withdrawal and settlement. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 31, 2022, based on a complaint, as supplemented, filed on behalf of Future Link Systems, LLC of Santa Clara, California. 87 FR 4915 (Jan. 31, 2022). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuit products and devices containing the same that infringe one of more of claims 1–6 of U.S. Patent No. 7,685,439 and claims 1–9 of U.S. Patent No. 8,099,614. *Id.* at 4916. The complaint also alleged the existence of a domestic industry. *Id.* The Commission's notice of investigation named seventeen respondents: Advanced Micro Devices, Inc. of Santa Clara, CA; Apple, Inc. of Cupertino, CA; Broadcom Inc. of San Jose, CA; Broadcom Corp. of San Jose, CA; Qualcomm Inc. of San Diego, CA; Qualcomm Technologies Inc. of San Diego, CA; Amlogic Holdings Ltd. of Cayman Islands; Amlogic (CA) Co., Inc. of Santa Clara, CA; Realtek Semiconductor Corp. of Taiwan (''Realtek''); Dell Technologies Inc. of Round Rock, TX; HP INC. of Palo Alto, CA; Acer Inc. of Taiwan; Acer America Corp. of San Jose, CA; Lenovo Group Ltd. of Hong Kong, China; Lenovo (United States) Inc. of Morrisville, NC; Motorola Mobility LLC of Chicago, IL; and Google LLC of Mountain View, CA. *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation. *Id.*

On April 28, 2022, Complainant filed a motion to terminate the investigation as to Respondent Realtek based on withdrawal of the complaint. ID at 1. Thereafter, on May 6, 2022, Complainant filed a motion to terminate the investigation as to all remaining Respondents other than Realtek based on a single patent license agreement and multiple release agreements. *Id.* at 1–2. Realtek opposed the motions to the extent they would prevent the ALJ from ruling on any pending issues. *Id.* at 1, 2. OUII filed statements in support of the motions. *Id.* All other Respondents either did not oppose or did not take a position on the motions. *Id.*

On May 31, 2022, the ALJ issued the subject ID (Order No. 17), granting Complainant's motions to terminate the investigation. The ID found that the motion to terminate Respondent Realtek complies with Commission Rule 210.21(a), 19 CFR 210.21(a), and there are no extraordinary circumstances preventing the withdrawal. *Id.* at 3–4.

As for the motion to terminate all other Respondents, the ID noted that not

all Respondents other than Realtek are named in the patent license agreement and/or release agreements. *Id.* at 4 n.2. For those not named, the ID stated that ''termination by settlement under Commission Rule 210.21(b) would not be appropriate, as opposed to general withdrawal under Commission Rule 210.21(a).'' *Id.* The ID found that ''[r]egardless, the motion complies with all Commission Rules.'' *Id.* The ID also found that ''there are no extraordinary circumstances that warrant denying the motion'' and ''there is no evidence indicating that terminating this investigation based on various agreements would be contrary to the public interest.'' *Id.* at 4, 5. The ID also noted that the motion attached confidential and public versions of the agreements. *Id.* at 4. No petition for review of the ID was filed.

The Commission has determined not to review the subject ID. The investigation is terminated in its entirety.

The Commission vote for this determination took place on June 9, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: June 9, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12794 Filed 6–13–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1273]

Certain Residential Premises Security Monitoring and Automation Panels, and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination of Non-Infringement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 18) of the presiding administrative law judge (''ALJ'') granting summary determination of no violation based on non-infringement of the asserted patent claims. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On August 5, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by ADT LLC and the ADT Security Corporation, both of Boca Raton, Florida, (collectively, ''ADT''). 86 FR 42879–80. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain residential premises security monitoring and automation control panels, and components thereof by reason of infringement of claims 1 and 12 of U.S. Patent No. 8,976,937 (''the '937 patent'') and claims 1–4, 7–15, and 18–20 of U.S. Patent No. 9,286,772 (''the '772 patent''). *Id.* at 42880. The complaint also alleges the existence of a domestic industry. The notice of investigation names as a respondent Vivint, Inc., of Provo, Utah (''Vivint''). *Id.* The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation. 87 FR 476 (Jan. 5, 2022).

The Commission subsequently terminated the investigation with respect to all asserted claims of the '937 patent and claims 1, 7–12, and 18–20 of the '772 patent based on withdrawal of the complaint as to those claims. Order No. 10 (Dec. 17, 2021), *unreviewed by* Notice (Jan. 18, 2022); Order No. 15 (Mar. 21, 2022), *unreviewed by* Notice (Apr. 12, 2022). Claims 2, 3, and 4 of the '772 patent are therefore the only claims that remain in the investigation.

On March 10, 2022, Vivint moved for a summary determination pursuant to Commission Rule 210.18 (19 CFR 210.18) of no violation of section 337 based on invalidity, and alternatively, non-infringement. Vivint argued that the ''processor'' limitations of the asserted claims should be construed to allow those limitations to be satisfied by multiple processors, and that under that construction, all the asserted claims are invalid as anticipated by U.S. Patent Pub. No. 2010/0102171. Vivint alternatively argued that, if the ''processor'' limitations of the asserted claims are construed to require that a single processor must satisfy all of the ''processor'' limitations, none of the accused products infringe the asserted claims because no single processor satisfies all the ''processor'' limitations.

On March 21, 2022, ADT filed a response opposing the motion, arguing that the ''processor'' limitations require a single processor, but contending that the accused products contained a processor that satisfied all the limitations. On March 28, OUII filed a response in support of the motion, arguing that the ''processor'' limitations require at least one processor that satisfies all the ''processor'' limitations and that the accused products do not infringe because they do not contain a processor that satisfies all of the ''processor'' limitations. On March 24, 2022, and March 31, 2022, Vivint filed replies to ADT's and OUII's responses, respectively.

On April 22, 2022, the ALJ issued the subject ID (Order No. 18) pursuant to Commission Rules 210.18(b) and 210.42(c) (19 CFR 210.18(b), 210.42(c)), granting in part Vivint's motion and finding summary determination of no violation because ADT failed to establish that the accused products infringe any asserted claim. The ID finds that the ''processor'' limitations require at least one processor that satisfies all of the ''processor'' limitations, and that ADT failed to show that the accused products contain a ''processor'' that satisfies all the ''processor'' limitations.

On May 4, 2022, ADT filed a petition for review of the ID. Also on May 4, 2022, Vivint filed a contingent petition for review of the ID. On May 9, 2022, Vivint responded to ADT's petition, and on May 11, 2022, ADT responded to Vivint's contingent petition for review. Also on May 11, 2022, OUII responded to both petitions.

The Commission has determined not to review the subject ID. The investigation is hereby terminated with a finding of no violation.

The Commission vote for this determination took place on June 8, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part

210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 8, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12802 Filed 6–13–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–696 (Fifth Review)]

Pure Magnesium From China; Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty order on pure magnesium from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATES: June 6, 2022.

FOR FURTHER INFORMATION CONTACT: Charles Cummings (202–708–1666), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On June 6, 2022, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (87 FR 11472, March 1, 2022) was adequate. The Commission found that the respondent interested party group response was inadequate but found that other circumstances warranted conducting a full review.[1] A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 9, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12815 Filed 6–13–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligiblity To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) issued during the period of May 1, 2022 through May 31, 2022.

This notice includes summaries of initial determinations such as Affirmative Determinations of Eligibility, Negative Determinations of Eligibility, and Determinations Terminating Investigations of Eligibility within the period. If issued in the period, this notice also includes summaries of post-initial determinations that modify or amend initial determinations such as Affirmative Determinations Regarding Applications for Reconsideration, Negative Determinations Regarding Applications for Reconsideration, Revised Certifications of Eligibility, Revised Determinations on Reconsideration, Negative Determinations on Reconsideration, Revised Determinations on remand from the Court of International Trade, and Negative Determinations on remand from the Court of International Trade.

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued.

TA–W No.	Subject firm	Location	Reason(s)
98,157	Bruker Handheld LLC, Bruker Nano Analytics Division.	Kennewick, WA	Actual/Likely Increase in Imports following a Shift Abroad.
98,206	Ross Casting and Innovation, LLC	Sidney, OH	Actual/Likely Increase in Imports following a Shift Abroad.
98,222	Integrated Textile Solutions, Inc	Salem, VA	Increased Aggregate Imports.
98,222A	Integrated Textile Solutions, Inc	South Boston, VA	Increased Aggregate Imports.
98,231	Woodcrafters Home Products LLC, MasterBrand Cabinets Inc., Fortune Brands.	Weslaco, TX	Increased Company Imports.
98,238	PCS Ferguson, Inc	Frederick, CO	Increased Company Imports.
98,246	Home Products International North America, Inc	Seymour, IN	Increased Company Imports.
98,257	NeuWave Medical Inc., Supply Chain/Operations Division.	Madison, WI	Shift in Production to an FTA Country or Beneficiary.
98,258	Schneider Electric Buildings Americas, Inc., GSC NAM Electronics Clovis.	Clovis, CA	Shift in Production to an FTA Country or Beneficiary.

[1] Vice Chair Randolph J. Stayin did not participate, and Commissioner Rhonda K. Schmidtlein voted to conduct an expedited review.

TA–W No.	Subject firm	Location	Reason(s)
98,261	Medtronic PLC	Warsaw, IN	Shift in Production to an FTA Country or Beneficiary.
98,264	Hanwha Advanced Materials America LLC	Shelby, NC	Shift in Production to an FTA Country or Beneficiary.
98,266	Magna Exteriors Belvidere	Belvidere, IL	Upstream Supplier.
98,274	Grupo Antolin of Illinois	Belvidere, IL	Upstream Supplier.
98,278	Piston Automotive LLC	Belvidere, IL	Upstream Supplier.
98,282	Autoline Industries Indiana LLC, D/B/A CJ Automotive Indiana LLC.	Butler, IN	Increased Company Imports.

Negative Determinations for Trade Adjustment Assistance

The following investigations revealed that the eligibility criteria for TAA have not been met for the reason(s) specified.

TA–W No.	Subject firm	Location	Reason(s)
96,990	HollyFrontier Cheyenne Refining LLC	Cheyenne, WY	No Shift in Production or Other Basis.
97,048	3P Processing LLC	Wichita, KS	No Shift in Production or Other Basis.
98,066	US Well Services	Pleasanton, TX	Predominant Cause of Layoffs Unrelated to Imports, Shift in Production to Beneficiary Country, or Increase in Imports Following a Shift.
98,066A	US Well Services	San Angelo, TX	Predominant Cause of Layoffs Unrelated to Imports, Shift in Production to Beneficiary Country, or Increase in Imports Following a Shift.
98,081	Stupp Bros., Inc., Stupp Corporation	Baton Rouge, LA	No Import Increase and/or Production Shift Abroad.
98,193	GenOn Energy Services LLC	Avon Lake, OH	No Sales or Production Decline/Shift in Production (Domestic Transfer).
98,196	Nippon Carbide Industries	Greenville, SC	Predominant Cause of Layoffs Unrelated to Imports, Shift in Production to Beneficiary Country, or Increase in Imports Following a Shift.
98,205	Auto Injury Solutions Inc., Protec—Third Party Clinical Services.	Chicago, IL	Workers Do Not Produce an Article.
98,209	Pacific Life Insurance Company, Life Insurance Division Information.	Lynchburg, VA	Workers Do Not Produce an Article.
98,212	Pacific Life Insurance Company, Life Insurance Division Operations.	Lynchburg, VA	Workers Do Not Produce an Article.
98,220	Decatur Plastic Products, Inc., Alabama Molding Division.	Gadsden, AL	No Sales or Production Decline/Shift in Production (Domestic Transfer).
98,220A	Decatur Plastic Products, Inc., Alabama Flocking Division.	Gadsden, AL	No Import Increase and/or Production Shift Abroad.
98,237	Little Raymond's Print Shop	Indianapolis, IN	Workers Do Not Produce an Article.
98,239	District Photo	Beltsville, MD	No Import Increase and/or Production Shift Abroad.
98,259	Arkwright Advanced Coating Inc. Sihl Inc	Fiskeville, RI	No Sales or Production Decline/Shift in Production (Domestic Transfer).
98,263	Weiss Instruments, LLC	Holtsville, NY	No Sales or Production Decline/Shift in Production (Domestic Transfer).
98,268	Syncreon, Automotive Division	Belvidere, IL	Workers Do Not Produce an Article.
98,270	Concentrix CVG Customer Management Group Inc	Pocatello, ID	Workers Do Not Produce an Article.
98,281	WestRock CP, LLC, Panama City, FL Mill	Panama City, FL	No Sales or Production Decline/Shift in Production (Domestic Transfer).

Determinations Terminating Investigations for Trade Adjustment Assistance

The following investigations were terminated for the reason(s) specified.

TA–W No.	Subject firm	Location	Reason(s)
98,284	Syncreon	Belvidere, IL	Negative Determination Recently Issued.

I hereby certify that the aforementioned determinations were issued during the period of May 1, 2022, through May 31, 2022. These determinations are available on the Department's website *https://www.dol.gov/agencies/eta/tradeact* under the searchable listing determinations or by calling the Office

of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 3rd day of June 2022.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2022–12805 Filed 6–13–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligiblity To Apply for Trade Adjustment Assistance

In accordance with the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents notice of investigations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) started during the period of May 1, 2022, through May 31, 2022.

This notice includes instituted initial investigations following the receipt of validly filed petitions. Furthermore, if applicable, this notice includes investigations to reconsider negative initial determinations or terminated initial investigations following the receipt of a valid application for reconsideration.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. Any persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than ten days after publication in **Federal Register**.

Initial Investigations

The following are initial investigations commenced following the receipt of a properly filed petition.

TA–W No.	Subject firm	Location	Inv start date
98,282	Autoline Industries Indiana LLC, D/B/A CJ Automotive Indiana LLC	Butler, IN	5/2/2022
98,283	Honeywell Safety Products USA, Inc	Franklin, PA	5/3/2022
98,284	Syncreon	Belvidere, IL	5/4/2022
98,285	Adient	Sycamore, IL	5/5/2022
98,286	Dometic Corporation	LaGrange, IN	5/6/2022
98,287	Wells Fargo Call Center	Salem, OR	5/6/2022
98,288	Avaya Inc	Thornton, CO	5/9/2022
98,289	Stryker	Lakeland, FL	5/9/2022
98,290	Terex	Westport, CT	5/9/2022
98,291	Peloton Interactive Inc	Dayton, OH	5/10/2022
98,292	RegalRexnord (MCS)	Monticello, IN	5/11/2022
98,293	Serta Simmons Bedding/SSB Manufacturing	Houston, TX	5/11/2022
98,294	EuropTec USA Inc	Clarksburg, WV	5/12/2022
98,295	Fluid Routing Solutions, LLC	Big Rapids, MI	5/12/2022
98,296	Mueller Brass Company	Belding, MI	5/12/2022
98,297	Logan Glass Plant	Logan, OH	5/13/2022
98,298	MityLite	Lawrenceburg, TN	5/17/2022
98,299	The Sweetwater Company Inc. dba EartH2o	Culver, OR	5/17/2022
98,300	Stanley Black & Decker Inc	New Britain, CT	5/18/2022
98,301	PPG Industries, Inc	Lafayette, IN	5/19/2022
98,302	DHL Supply Chain	Mount Clemens, MI	5/20/2022
98,303	Norgren GT Development, LLC	Auburn, WA	5/20/2022
98,304	AECOM Technical Services Inc	Denver, CO	5/23/2022
98,305	Home Products International-North America, Inc	Chicago, IL	5/24/2022
98,306	Nokia of America Corporation	Carrollton, TX	5/24/2022
98,307	TSK Innovations Co	El Paso, TX	5/24/2022
98,308	Taskus USA, LLC	New Braunfels, TX	5/25/2022
98,309	Arrow Electronics Inc	Centennial, CO	5/26/2022
98,310	DAT Freight and Analytics	Beaverton, OR	5/27/2022
98,311	EJ Welch	Austell, GA	5/27/2022
98,312	KPMG LLP	Montvale, NJ	5/31/2022
98,313	TE Connectivity	Andover, MN	5/31/2022
98,314	Sears & Kmart Transform Holdco, LLC	Hoffman Estates, IL	5/31/2022

A record of these investigations and petitions filed are available, subject to redaction, on the Department's website *https://www.dol.gov/agencies/eta/tradeact* under the searchable listing or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 3rd day of June 2022.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2022–12806 Filed 6–13–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities for Prevailing Wage Determination Information Collection

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor's (Department) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision to the information collection request (ICR) titled ''Application for Prevailing Wage Determination'' (OMB Control Number 1205–0508), which covers Forms ETA–9141 and ETA–9141 Appendix A, and the accompanying form instructions. This action seeks to incorporate into this ICR the Form ETA–9165, with revisions, which is currently approved under the ICR titled ''H–2B Foreign Labor Certification Program'' (OMB Control Number 1205–0509). This action proposes minor changes to the Forms ETA–9141, ETA–9141, Appendix A, and ETA–9165, and their accompanying instructions. This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received on or before August 15, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting Brian Pasternak, Administrator, Office of Foreign Labor Certification, by telephone at 202–693–8200 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *ETA.OFLC.Forms@dol.gov.*

Instructions: Submit written comments about, or requests for a copy of, this ICR by email at *ETA.OFLC.Forms@dol.gov.* To ensure proper consideration, include the OMB control number 1205–0508.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, by telephone at 202–693–8200 (this is not a toll-free number) or by email to *ETA.OFLC.Forms@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The Department, in its continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and continuing information collections before submitting them to OMB for final approval. This program ensures the public provides all necessary data in the desired format, the reporting burden (time and financial resources) is minimized, collection instruments are written clearly and are easy to understand, and the impact of collection requirements can be properly assessed.

This information collection is required by the Immigration and Nationality Act (INA), sections 203(b)(3); 212(a)(5)(A); 212(m), (n), (p), (t); and 214(c) [8 U.S.C. 1153(b)(3); 1182(a)(5)(A); 1182(m), (n), (p), (t); and 1184(c)]; 8 CFR 204(k)(4)(i) and 214.2(h)(6)(i)(A), (h)(6)(iii)(A), and (h)(6)(iv)(A); and 20 CFR 655.10, 655.731, and 656.40. The INA prohibits the employment of foreign workers under the H–1B, H–1B1, and E–3 nonimmigrant visa classifications unless the Secretary of Labor (Secretary) has approved a Labor Condition Application (LCA) in which the employer attests to pay the foreign worker at least the prevailing wage level for the occupational classification in the area of employment or the actual wage level paid by the employer to workers with similar experience and qualifications for the specific employment in question, whichever is greater. Similarly, the INA requires the Secretary to certify that the employment of foreign workers in H–2B nonimmigrant and certain immigrant visa classifications will not adversely affect the wages and working conditions of similarly employed workers in the U.S. To render this certification, the Secretary must determine the prevailing wage for the occupational classification and area of intended employment and ensure the employer offers a wage to the foreign worker that equals at least the prevailing wage. The information collection approved under this ICR ensure employers provide information about the job opportunity and terms of employment necessary for the Department to determine prevailing wages for job opportunities in the LCA programs and the H–2B and permanent (PERM) foreign labor certification programs.

Prior to submitting labor certification applications to the Department, employers must obtain a prevailing wage determination (PWD) for their job opportunities from OFLC. Employers seeking to employ foreign workers under the LCA programs are not required to obtain a PWD from OFLC but may choose to do so to ensure the use of an appropriate prevailing wage with an LCA filing. When an employer obtains a PWD from OFLC for a job opportunity under the PERM and LCA programs, the INA requires the Department to determine the appropriate wage level for the occupational classification, ''commensurate with experience, education, and the level of supervision.'' 8 U.S.C. 1182(p)(4). When determining a prevailing wage for nonprofit and Governmental research organizations, institutions of higher education, and nonprofit entities related to or affiliated with institutions of higher education, the INA requires the Department to determine the prevailing wage using only wages paid to ''employees at such institutions and organizations in the area of employment.'' 8 U.S.C. 1182(p)(1).

The Department uses information provided in the Form ETA–9141 and Form ETA–9141 Appendix A to determine the appropriate occupational classification and prevailing wage rate for that occupation based on information about the nature of the job offer, such as the area of intended employment, description of job duties, and training and experience requirements. For the H–2B program, the Department uses the Form ETA–9165 to collect information necessary to determine whether an employer-provided survey complies with regulatory requirements and can be used to establish a prevailing wage for the job opportunity in lieu of a prevailing wage determined using the OEWS survey.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection unless OMB, under the PRA, approves it and the collection tool displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The Department seeks a three year extension of OMB approval for the information collection implemented through the Form ETA–9141; Form ETA–9141, *General Instructions;* Form ETA–9141 Appendix A, *Request for Additional Worksite(s);* Form ETA–9165; and Form ETA–9165, *General Instructions.*

The Department is proposing minor revisions to the Form ETA–9141 and its instructions to clarify several questions on the form and is revising the Form ETA–9141, Form ETA–9165, and corresponding instructions, to replace references to the Occupational Employment Statistics program with references to the Occupational Employment and Wage Statistics (OEWS) program, to reflect that the Bureau of Labor Statistics changed the title of the program in 2021. The Department's revisions to the Form ETA–9141 provide instructions related to mailing applications, clarify when and how an employer should respond to

questions about education requirements and non-OEWS PWD requests, and clarify when an employer must provide an ''N/A'' response to a question and when an employer must provide country information. The Department also revised Item F.9.b in the Form ETA–9165 so that it requests the number of workers included in the employer-provided survey data set. The Department has determined the proposed minor changes do not impose new information collection or retention requirements and do not impose additional burdens related to existing requirements. Supporting documentation that explains the Department's burden estimates and proposed minor revisions to the information collection instruments is available to the public at *https://www.reginfo.gov/public/do/PRASearch* by entering ''1205–0508'' in the ''OMB Control Number'' search function and is available on request using the contact information in the **ADDRESSES** section above.

Interested parties are encouraged to provide comments regarding this ICR, including the proposed minor changes to the collection instruments and the Department's estimates of respondent burdens, to the contact information and instructions in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0508. Submitted comments will be a matter of public record for this ICR and posted on the internet, without redaction. The Department encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements or information in any comments.

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, and the agency's estimates associated with the annual burden cost incurred by respondents and the government cost associated with this collection of information;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Agency: DOL–ETA.

Title of Collection: Application for Prevailing Wage Determination.

Type of Review: Revision of a Currently Approved Information Collection.

OMB Number: 1205–0508.

Affected Public: Individuals or households, private sector (businesses or other for-profit institutions), not-for-profit institutions, Federal government, and state, local, and tribal governments.

Form(s): ETA–9141, *Application for Prevailing Wage Determination;* ETA–9141, *Application for Prevailing Wage Determination, General Instructions;* ETA–9141, Appendix A, *Request for Additional Worksite(s);* ETA–9165, *Employer-Provided Survey Attestations to Accompany H–2B Prevailing Wage Determination Request Based on a Non-OEWS Survey;* and ETA–9165, *Employer-Provided Survey Attestations to Accompany H–2B Prevailing Wage Determination Request Based on a Non-OEWS Survey, General Instructions.*

Total Estimated Number of Annual Respondents: 102,418.

Annual Frequency: On occasion.

Total Estimated Number of Annual Responses: 331,339.

Estimated Time per Response: Various.

Total Estimated Annual Burden Hours: 148,628.36.

Total Estimated Annual Other Costs: $241,513.09.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–12804 Filed 6–13–22; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Occupational Exposure to Hazardous Chemicals in Laboratories

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 14, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce employees' risk of death or serious injury by ensuring that employment has been tested and is in safe operating condition.

The Standard entitled ''Occupational Exposure to Hazardous Chemicals in Laboratories'' (29 CFR 1910.1450; the

''Standard'') applies to laboratories that use hazardous chemicals in accord with the Standard's definitions for ''laboratory use of hazardous chemicals'' and ''laboratory scale.'' The Standard requires these laboratories to maintain worker exposures at or below the permissible exposure limits specified for the hazardous chemicals in 29 CFR part 1910, subpart Z. The laboratories do so by developing a written Chemical Hygiene Plan (CHP) that describes the following: Standard operating procedures for using hazardous chemicals; hazard-control techniques; equipment-reliability measures; worker information and training programs; conditions under which the employer must approve operations, procedures, and activities before implementation; and medical consultations and examinations. The CHP also designates personnel responsible for implementing the CHP and specifies the procedures to be used to provide additional protection to workers exposed to particularly hazardous chemicals.

Other information collection requirements of the Standard include: Documenting exposure monitoring results; notifying workers in writing of these results; presenting specified information and training to workers; establishing a medical surveillance program for overexposed workers; providing required information to the physician; obtaining the physician's written opinion on using proper respiratory equipment; and establishing, maintaining, transferring, and disclosing exposure monitoring and medical records. These collection of information requirements, including the CHP, control worker overexposure to hazardous laboratory chemicals, thereby preventing serious illnesses and death among workers exposed to such chemicals. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 28, 2022 (87 FR 17337).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Occupational Exposure to Hazardous Chemicals in Laboratories.

OMB Control Number: 1218–0131.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 119,494.

Total Estimated Number of Responses: 1,697,968.

Total Estimated Annual Time Burden: 622,482 hours.

Total Estimated Annual Other Costs Burden: $83,566,611.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2022–12807 Filed 6–13–22; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting Special Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications to make subgrants of LSC Special Grant Funds, including Technology Initiative Grant, Pro Bono Innovation Fund, and Disaster Relief Grant funds.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications to make subgrants of its Special Grant funds. LSC is also providing information about where applicants may locate subgrant application questions and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement at *lacchinim@lsc.gov* or (202) 295–1506, or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on LSC's website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for LSC Special Grant programs. Only current or prospective recipients of LSC Special Grants may apply for approval to subgrant these funds.

An applicant must submit an application to make a subgrant of LSC Special Grant funds at least 45 days in advance of the subgrant's proposed effective date. 45 CFR 1627.4(b)(2).

All applicants must provide answers to the application questions in GrantEase and upload the following documents:

- A draft subgrant agreement (with the required terms provided in LSC's Special Grant Subgrant Agreement Template); and
- A subgrant budget (using LSC's Subgrant Budget Template)

Applicants seeking to subgrant to a new subrecipient that is not a current LSC grantee or applying to renew a subgrant with an organization that is not a current LSC grantee in a year in which the applicant was not already required to submit the documents listed below as a part of an application to subgrant LSC Basic Field funds, must also upload:

- The subrecipient's accounting manual;
- The subrecipient's most recent audited financial statements;
- The subrecipient's current cost allocation policy (if not in the accounting manual);
- The recipient's 45 CFR part 1627 policy (required under 45 CFR 1627.7).

A list of subgrant application questions, the Special Grant Subgrant Agreement Template, and the Subgrant Budget Template are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Special Grant Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the submitted documents or Draft Agreement provided with the application. The applicant must then upload a final and signed

subgrant agreement through GrantEase by the date requested.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant no later than the subgrant's proposed effective date.

(Authority: 42 U.S.C. 2996g(e))

Dated: June 8, 2022.

Stefanie Davis,

Senior Associate General Counsel.

[FR Doc. 2022–12738 Filed 6–13–22; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–22–0012; NARA–2022–053]

Records Schedules; Administrative Correction Notice

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice; administrative correction.

FOR FURTHER INFORMATION CONTACT: Kimberly Richardson, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUMMARY: We published records schedules (NARA–22–0012; NARA 2022–053) in the **Federal Register** on June 9, 2022, and requested comments by the due date, June 8, 2022, in error. We are correcting the due date for comments.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 9, 2022, in FR Doc. Vol 87, No.111, on page 35249, in the first column, correct the **DATES** caption to read:

DATES:

We must receive responses on the schedules listed in this notice by July 25, 2022.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022–12808 Filed 6–13–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., June 16, 2022.

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov*) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: 1. Board Briefing, Post Exam Feedback Survey Update.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2022–12861 Filed 6–10–22; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

45th Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), National Foundation of the Arts and the Humanities (NFAH).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Museum and Library Services Board will meet to advise the Director of the Institute of Museum and Library Services (IMLS) with respect to duties, powers, and authority of IMLS relating to museum, library, and information services, as well as coordination of activities for the improvement of these services.

DATES: The meeting will be held on July 19, 2022, from 1:30 p.m. until adjourned.

ADDRESSES: The meeting will be held at 955 L'Enfant Plaza North SW, first-floor Conference Room, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Chief of Staff and Alternate Designated Federal Officer, Institute of Museum and Library Services, Suite 4000, 955 L'Enfant Plaza North SW, Washington, DC 20024; (202) 653–4798; *kmaas@imls.gov* (*mailto:kmaas@imls.gov*).

SUPPLEMENTARY INFORMATION: The National Museum and Library Services Board is meeting pursuant to the National Museum and Library Service Act, 20 U.S.C. 9105a, and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

The 45th Meeting of the National Museum and Library Services Board, which is open to the public, will be held on July 19, 2022.

The agenda for the 45th Meeting of the National Museum and Library Services Board will be as follows:

I. Call to Order
II. Approval of Minutes of the 44th Meeting
III. Director's Welcome and Update
IV. Governmental Engagement and Legislative Update
V. Financial Update
VI. Partner Briefings
VII. Office of Museum Services Update
VIII. Office of Library Services Update

If you wish to attend the public session of the meeting, please inform IMLS as soon as possible, but no later than close of business on July 17, 2022, by contacting Katherine Maas at *kmaas@imls.gov* (*mailto:kmaas@imls.gov*). Please provide notice of any special needs or accommodations by July 5th, 2022.

Dated: June 8, 2022.

Brianna Ingram,

Paralegal Specialist.

[FR Doc. 2022–12730 Filed 6–13–22; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0126]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the

Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from April 29, 2022, to May 25, 2022. The last monthly notice was published on May 17, 2022.

DATES: Comments must be filed by July 14, 2022. A request for a hearing or petitions for leave to intervene must be filed by August 15, 2022.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0126. 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: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0126, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0126.
- *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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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–2022–0126, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR), are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at

https://www.nrc.gov/reading-rm/doc-collections/cfr. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time

the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 6:00 p.m., ET, Monday through Friday, excluding Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUEST(S)

Arizona Public Service Company, et al.; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Docket No(s)	50–528, 50–529, 50–530.
Application date	April 26, 2022.
ADAMS Accession No	ML22116A220.
Location in Application of NSHC	Pages 3–4 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise Technical Specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–487–A, Revision 1, ''Relocate DNB [Departure from Nucleate Boiling] Parameters to the COLR [Core Operating Limits Report],'' for Palo Verde Nuclear Generating Station, Units 1, 2, and 3. Specifically, the proposed amendment would revise the following: delete reference to Limiting Condition for Operation (LCO) 3.4.1.b in TS 3.1.11, ''Special Test Exceptions (STE)—Reactivity Coefficient Testing,'' LCO 3.1.11; remove the specific limits specified in TS 3.4.1, ''RCS [Reactor Coolant System] Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits,'' LCO 3.4.1, and to state that the limits are specified in the COLR; revise surveillance requirements in TS 3.4.1 to remove the specific limits and to state that the limits are specified in the COLR; delete figure 3.4.1–1, ''Reactor Coolant Cold Leg Temperature vs. [versus] Core Power Level''; modify TS 5.6.5, ''Core Operating Limits Report (COLR),'' paragraph ''a'' to add the methodology requirements for calculating the DNB numeric limits in the COLR; and modify TS 5.6.5, paragraph ''c,'' to clarify that the COLR limits must be determined assuming that the plant is capable of operating at the rated thermal power as specified in TS Section 1.1, ''Definitions.'' The availability of this TS improvement was announced in the **Federal Register** (FR) on June 5, 2007 (72 FR 31108) as part of the consolidated line item improvement process.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Carey Fleming, Senior Counsel, Pinnacle West Capital Corporation, 500 N 5th Street, MS 8695, Phoenix, AZ 85004.
NRC Project Manager, Telephone Number	Siva Lingam, 301–415–1564.

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL

Docket No(s)	50–454, 50–455, 50–456, 50–457.
Application date	April 21, 2022.
ADAMS Accession No	ML22111A300.

LICENSE AMENDMENT REQUEST(S)—Continued

Location in Application of NSHC	Pages 3 and 4 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise the license and Technical Specification (TS) 3.8.3, ''Diesel Fuel Oil,'' to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.'' Specifically, the proposed amendments would relocate the current stored diesel fuel oil numerical volume requirements from the TSs to the TS Bases.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA

Docket No(s)	50–352, 50–353.
Application date	February 24, 2022.
ADAMS Accession No	ML22055A600.
Location in Application of NSHC	Pages 5–7 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would change Technical Specification Table 3.3.2–1, ''Isolation Actuation Instrumentation,'' Trip Function 1.g for Main Steam Line Isolation. In particular, the proposed change would increase the minimum operable channels per trip system for the ''Turbine Enclosure—Main Steam Line Tunnel Temperature—High'' trip function from 14 channels per trip system to 16 channels per trip system. This change would correct an administrative error.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number	V. Sreenivas, 301–415–2597.

Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA

Docket No(s)	50–352, 50–353.
Application date	February 24, 2022.
ADAMS Accession No	ML22055A601.
Location in Application of NSHC	Pages 8–9 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would change Technical Specification (TS) 3.3.7.4, ''Remote Shutdown System Instrumentation and Controls.'' This would increase the allowed outage time for inoperable remote shutdown system components to a time that is more consistent with their safety significance. This change would also delete Table 3.3.7.4–1, ''Remote Shutdown System Instrumentation and Controls,'' to be relocated to the Technical Requirements Manual. The proposed changes would make the Limerick Technical System requirements consistent with NUREG–1433, ''Standard Technical Specifications, General Electric BWR [Boiling Water Reactor]/4 Plants,'' TS 3.3.3.2, ''Remote Shutdown System.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number	V. Sreenivas, 301–415–2597.

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC

Docket No(s)	50–395.
Application date	April 22, 2022.
ADAMS Accession No	ML22115A060.
Location in Application of NSHC	Pages 3–5 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would modify the technical specifications (TSs) consistent with Technical Specifications Task Force (TSTF)–491 by removing the specific closure times for the main steam and main feedwater isolation valves from the associated TS surveillance requirements.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC

Docket No(s)	50–395.
Application date	April 22, 2022.
ADAMS Accession No	ML22115A104.
Location in Application of NSHC	Pages 1–2 of Attachment 5.
Brief Description of Amendment(s)	The proposed amendment would modify Technical Specification 4.6.2.1.d to change the frequency at which each reactor building spray nozzle must be verified to be unobstructed.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

LICENSE AMENDMENT REQUEST(S)—Continued

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA	
Docket No(s)	50–334, 50–412.
Application date	March 30, 2022.
ADAMS Accession No	ML22090A093.
Location in Application of NSHC	Pages 4–6 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control,'' with plant specific variations. The proposed changes would revise the technical specifications (TS) to replace the stored fuel oil and stored lube oil volume requirements (gallons) with time-based requirements (days or hours of supply). The proposed amendment would relocate the current volume requirements from the TS to a licensee-controlled document.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp. 168 E Market Street Akron, OH 44308–2014.
NRC Project Manager, Telephone Number	Brent Ballard, 301–415–0680.

Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3 and 4; Miami-Dade County, FL	
Docket No(s)	50–250, 50–251.
Application date	September 22, 2021, as supplemented by letters dated January 19, 2022, and March 30, 2022.
ADAMS Accession No	ML21265A370 (Package), ML22019A067, ML22089A195 (Package).
Location in Application of NSHC	Pages 2 of 26 of Enclosure 2, Volume 2 of the supplement dated March 30, 2022.
Brief Description of Amendment(s)	The amendments would revise Technical Specifications to Improved Standard Technical Specifications, consistent with NUREG–1431, ''Standard Technical Specifications—Westinghouse Plants,'' Revision 5.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Michael Mahoney, 301–415–3867.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI	
Docket No(s)	50–315, 50–316.
Application date	April 7, 2022.
ADAMS Accession No	ML22097A148.
Location in Application of NSHC	Pages 2–3 of Enclosure 2.
Brief Description of Amendment(s)	The proposed amendments would adopt Technical Specifications Task Force (TSTF) Traveler, TSTF–554, Revision 1, ''Revise Reactor Coolant Leakage Requirements.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

R.E. Ginna Nuclear Power Plant, LLC and Constellation Energy Generation, LLC; R.E. Ginna Nuclear Power Plant; Wayne County, NY	
Docket No(s)	50–244.
Application date	February 21, 2022.
ADAMS Accession No	ML22052A013.
Location in Application of NSHC	Pages 6–8 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would revise R.E. Ginna Nuclear Power Plant Technical Specification (TS) 3.1.8, ''PHYSICS TESTS Exceptions—MODE 2,'' to allow one power range neutron flux channel to be bypassed, rather than tripped (in accordance with TS 3.3.1 for an inoperable channel), when that channel is used during the performance of physics testing in MODE 2.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number	V. Sreenivas, 301–415–2597

R.E. Ginna Nuclear Power Plant, LLC and Constellation Energy Generation, LLC; R.E. Ginna Nuclear Power Plant; Wayne County, NY	
Docket No(s)	50–244.
Application date	April 18, 2022.
ADAMS Accession No	ML22108A248.
Location in Application of NSHC	Pages 5–6 of Attachment 1.

LICENSE AMENDMENT REQUEST(S)—Continued

Brief Description of Amendment(s)	This proposed amendment would revise technical specifications (TSs) for the auxiliary building ventilation system (ABVS) and ventilation filter testing program (VFTP). This change would remove testing requirements for the ABVS per TS Surveillance Requirement (SR) 3.7.10.3 and remove TS Section 5.5.10(c), Spent Fuel Pool (SFP) Charcoal Absorber System. In addition, the licensee proposed two administrative changes to TS 5.6.5 "CORE OPERATING LIMITS REPORT (COLR), to ensure TS 5.6.5a matches the current R.E. Ginna COLR, and to update TS 5.5.15 consistent with previously approved Amendment 136.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number	V. Sreenivas, 301–415–2597.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL

Docket No(s)	50–259, 50–260, 50–296.
Application date	March 31, 2022.
ADAMS Accession No	ML22090A287.
Location in Application of NSHC	Pages A1–13 and A1–14 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 (Browns Ferry), technical specification (TS) requirements to permit the use of risk-informed completion times in accordance with Technical Specification Task Force (TSTF) Traveler TSTF–505–A, Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b." The proposed amendments would also adopt TSTF–439–A, "Eliminate Second Completion Times Limiting Time From Discovery of Failure To Meet an [limiting condition for operation] LCO," to delete all second Completion Times contained in the Browns Ferry TSs, and revise Completion Times Example 1.3–3 to eliminate the second Completion Times contained within and revise the discussion in the Example to state that alternating between Conditions in such a manner that operation could continue indefinitely without ever restoring systems to meet the LCO is inconsistent with the basis of the Completion Times and is inappropriate.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Fountain, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Kimberly Green, 301–415–1627.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN; Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket No(s)	50–327, 50–328, 50–390, 50–391.
Application date	April 4, 2022.
ADAMS Accession No	ML22095A023.
Location in Application of NSHC	Pages E4–E5 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise the technical specifications (TSs) related to steam generator tube inspections and reporting requirements, consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–577, Revision 1, "Revised Frequencies for Steam Generator Tube Inspections," for the Sequoyah Nuclear Plant, Units 1 and 2, and Watts Bar Nuclear Plant, Units 1 and 2.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Fountain, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902
NRC Project Manager, Telephone Number	Kimberly Green, 301–415–1627.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the table below. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be

accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE(S)

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL

Docket No(s)	50–454, 50–455, 50–456, 50–457, 50–461.
Amendment Date	May 12, 2022.
ADAMS Accession No	ML22095A270.
Amendment No(s)	227 (Braidwood Unit 1), 227 (Braidwood Unit 2), 229 (Byron Unit 1), 229 (Byron Unit 2), and 245 (Clinton).
Brief Description of Amendment(s)	The amendments revised technical specifications (TSs) to add explanatory text to the Safety Function Determination Program in TS 5.5.15 (Braidwood Station and Byron Station) and TS 5.5.10 (Clinton Power Station) clarifying the ''appropriate limiting condition for operation for loss of function,'' and that consideration does not have to be made for a loss of power in determining loss of function.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Constellation Energy Generation, LLC; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Calvert County, MD; Constellation Energy Generation, LLC, Clinton Power Station, Unit No. 1, DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC and Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Constellation Energy Generation, LLC, LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Units 1 and 2; Oswego County, NY; Constellation Energy Generation, LLC and PSEG Nuclear LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York and Lancaster Counties, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Constellation Energy Generation, LLC; R.E. Ginna Nuclear Power Plant; Wayne County, NY

Docket No(s)	50–456, 50–457, 50–454, 50–455, 50–317, 50–318, 50–461, 50–237, 50–249, 50–333, 50–373, 50–374, 50–352, 50–353, 50–410, 50–277, 50–278, 50–254, 50–265, 50–244.
Amendment Date	April 29, 2022.
ADAMS Accession No	ML22090A086.
Amendment No(s)	226 (Braidwood Unit 1); 226 (Braidwood, Unit 2); 228 (Byron Unit 1); 228 (Byron Unit 2); 344 (Calvert Cliffs Unit 1); 322 (Calvert Cliffs Unit 2); 244 (Clinton); 278 (Dresden Unit 2); 271 (Dresden Unit 3); 349 (FitzPatrick), 256 (LaSalle Unit 1); 242 (LaSalle Unit 2); 257 (Limerick Unit 1); 219 (Limerick Unit 2); 191 (Nine Mile Point Unit 2); 342 (Peach Bottom Unit 2); 345 (Peach Bottom Unit 3); 290 (Quad Cities Unit 1); 286 (Quad Cities Unit 2); and 149 (Ginna).
Brief Description of Amendment(s)	The amendments revised the technical specifications (TSs) for each facility based on Technical Specifications Task Force (TSTF) Traveler TSTF–541, Revision 2, ''Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position'' (ML19240A315). The amendments also made similar changes to surveillance requirements not included in TSTF–541, Revision 2, and editorial changes to the TSs.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY

Docket No(s)	50–333.
Amendment Date	November 4, 2021.
ADAMS Accession No	ML21181A057.
Amendment No(s)	344.
Brief Description of Amendment(s)	The amendment revised the technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing.'' Specifically, the amendment removed TS 5.5.7, ''Inservice Testing Program,'' and added a new defined term, ''INSERVICE TESTING PROGRAM,'' to TS 1.1, ''Definitions'' and made corresponding edits throughout the TSs.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY

Docket No(s)	50–333.
Amendment Date	November 16, 2021.
ADAMS Accession No	ML21300A355.
Amendment No(s)	345.
Brief Description of Amendment(s)	The amendment revised the technical specifications related to reactor pressure vessel (RPV) water inventory control (WIC) based on Technical Specifications Task Force (TSTF)–582, Revision 0, ''RPV WIC Enhancements'' (ML19240A260), and the associated NRC staff safety evaluation of TSTF–582 (ML20219A333). The amendment also included other administrative changes to the technical specifications.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Public Comments Received as to Proposed NSHC (Yes/No).	No.
Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY	
Docket No(s)	50–333.
Amendment Date	February 28, 2022.
ADAMS Accession No	ML21364A043.
Amendment No(s)	348.
Brief Description of Amendment(s)	The amendment revised Technical Specification Limited Condition for Operation 3.5.1 ''ECCS [Emergency Core Cooling System]—Operating,'' Surveillance Requirement 3.5.1.6 from ''Once each startup prior to exceeding 25% RTP [rated thermal power],'' as modified by a Note stating, ''Not required to be performed if performed within the previous 31 days'' to 24 months.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC	
Docket No(s)	50–325, 50–324.
Amendment Date	May 12, 2022.
ADAMS Accession No	ML22028A174.
Amendment No(s)	309 (Unit 1) and 337 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the technical specifications (TS) to provide an exception to entering Mode 4 if both required residual heat removal (RHR) shutdown cooling subsystems are inoperable based on TS Task Force (TSTF) Traveler TSTF–580, Revision 1, ''Provide Exception from Entering Mode 4 With No Operable RHR Shutdown Cooling'' (ML21025A232), and the associated NRC safety evaluation for TSTF–580, Revision 1 (ML21188A227).
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC	
Docket No(s)	50–325, 50–324.
Amendment Date	May 2, 2022.
ADAMS Accession No	ML22082A268.
Amendment No(s)	308 (Unit 1); 336 (Unit 2).
Brief Description of Amendment(s)	The amendments modified technical specification requirements to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA	
Docket No(s)	50–334, 50–412.
Amendment Date	May 6, 2022.
ADAMS Accession No	ML21286A782.
Amendment No(s)	315 (Unit 1) and 205 (Unit 2).
Brief Description of Amendment(s)	The amendment changed the Beaver Valley Power Station, Unit 1 and Unit 2 Emergency Preparedness Plan to reduce the number of on-shift staff positions, extend augmented emergency response organization response times, and re-align augmented emergency response organization response positions.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA	
Docket No(s)	50–334, 50–412.
Amendment Date	May 2, 2022.
ADAMS Accession No	ML22077A134.
Amendment No(s)	314 (Unit 1) and 204 (Unit 2).
Brief Description of Amendment(s)	The amendments adopted Technical Specification Task Force (TSTF) Traveler TSTF–577, Revision 1, ''Revised Frequencies for Steam Generator Tube Inspections.'' The technical specifications related to steam generator tube inspections and reporting are revised based on operating history.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA

Docket No(s)	50–334, 50–412.
Amendment Date	May 10, 2022.
ADAMS Accession No	ML22095A235.
Amendment No(s)	316 (Unit 1) and 206 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification 5.6.3, ''Core Operating Limits Report (COLR),'' to allow the use of feedwater venturis that have been normalized to prior leading edge flow meter measurements when calculating reactor thermal power.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Energy Northwest; Columbia Generating Station; Benton County, WA

Docket No(s)	50–397.
Amendment Date	May 9, 2022.
ADAMS Accession No	ML22098A064.
Amendment No(s)	267.
Brief Description of Amendment(s)	The amendment revised the average power range monitor (APRM) requirements in the technical specifications (TSs) for Columbia Generating Station. Specifically, the amendment altered Surveillance Requirement 3.3.1.1.2 of TS 3.3.1.1, ''Reactor Protection System (RPS) Instrumentation,'' to verify that calculated (i.e., calorimetric heat balance) power is no more than 2 percent greater than the APRM channel output. This included a variation to allow for a 2-hour period for adjustment of the APRM output gain to restore compliance with the surveillance requirement limit before entering the associated conditions and required actions.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA; Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS; Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR; Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–313, 50–368, 50–416, 50–458, 50–382.
Amendment Date	May 12, 2022.
ADAMS Accession No	ML22104A222.
Amendment No(s)	276 (ANO–1), 330 (ANO–2), 231 (Grand Gulf), 210 (River Bend), and 265 (Waterford–3).
Brief Description of Amendment(s)	The amendments revised Technical Specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–554, ''Revise Reactor Coolant Leakage Requirements,'' for Arkansas Nuclear One, Units 1 and 2 (ANO–1 and ANO–2); Grand Gulf Nuclear Station, Unit 1 (Grand Gulf); River Bend Station, Unit 1 (River Bend); and Waterford Steam Electric Station, Unit 3 (Waterford–3). The proposed amendments revised the TS definitions related to leakage and the reactor coolant system operational leakage TS, for each facility, to clarify the requirements.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Nuclear Operations, Inc.; Palisades Nuclear Plant; Van Buren County, MI

Docket No(s)	50–255.
Amendment Date	May 13, 2022.
ADAMS Accession No	ML22039A198.
Amendment No(s)	272.
Brief Description of Amendment(s)	The amendment revised the Palisades Nuclear Plant Renewed Facility Operating License and the associated technical specifications (TSs) to permanently defueled TSs consistent with the permanent cessation of operations and permanent removal of fuel from the reactor vessel.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Amendment Date	April 29, 2022.
ADAMS Accession No	ML22075A102.
Amendment No(s)	264.
Brief Description of Amendment(s)	The amendment relocated Waterford Steam Electric Station, Unit 3 Technical Specifications 3.3.3.7.1 and 3.3.3.7.3, ''Chemical Detection Systems'' and an associated Surveillance Requirement 4.7.6.1.d.4 to the licensee-controlled Technical Requirements Manual.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI	
Docket No(s)	50–315, 50–316.
Amendment Date	May 2, 2022.
ADAMS Accession No	ML22102A012.
Amendment No(s)	359 (Unit 1) and 340 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the technical specifications to adopt Technical Specifications Task Force (TSTF) Traveler, TSTF–577, Revision 1, ''Revised Frequencies for Steam Generator Tube Inspections.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.
NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA	
Docket No(s)	50–331.
Amendment Date	April 25, 2022.
ADAMS Accession No	ML22066A763.
Amendment No(s)	318.
Brief Description of Amendment(s)	The amendment revised the Duane Arnold Emergency Plan to reflect the requirements associated with emergency preparedness necessary for the independent spent fuel storage installation (ISFSI)-only configuration, consistent with the permanent removal of all spent fuel from the spent fuel pool, an action that Duane Arnold completed on April 10, 2022.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Southern Nuclear Operating Company, Inc.; Edwin I Hatch Nuclear Plant, Units 1 and 2; Appling County, GA	
Docket No(s)	50–321, 50–366.
Amendment Date	May 20, 2022.
ADAMS Accession No	ML22101A094.
Amendment No(s)	315 (Unit 1) and 260 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Edwin I. Hatch Nuclear Plant, Units 1 and 2, Technical Specification (TS) 3.3.6.1, ''Primary Containment Isolation Instrumentation,'' Table 3.3.6.1–1, to eliminate the requirement for automatic main steam line isolation on high turbine building area temperature (Function 1.f). In lieu of automatic isolation, a new technical specification, TS 3.7.10, ''Turbine Building (TB) Maximum Area Temperature,'' is added that requires monitoring the turbine building maximum area temperature and a plant shut down if excessive main steam line leakage is detected.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN	
Docket No(s)	50–390, 50–391.
Amendment Date	May 4, 2022.
ADAMS Accession No	ML22014A206.
Amendment No(s)	152 (Unit 1) and 61 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the Watts Bar Nuclear Plant, Units 1 and 2, Technical Specification (TS) 3.3.6, ''Containment Vent Isolation Instrumentation,'' and TS 3.3.7, ''Control Room Emergency Ventilation System (CREVS) Actuation Instrumentation,'' to delete a redundant unit of measure associated with the trip setpoint for containment purge exhaust and control room air intake radiation monitors. The amendments also corrected a typographical error in abbreviation of the associated unit of measure.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS	
Docket No(s)	50–482.
Amendment Date	May 18, 2022.
ADAMS Accession No	ML22069A056.
Amendment No(s)	232.
Brief Description of Amendment(s)	The amendment revised the Wolf Creek Radiological Emergency Response Plan to change the on-shift staffing composition.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Dated: June 6, 2022.

For the Nuclear Regulatory Commission.

Bo M. Pham,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–12421 Filed 6–13–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–65 and CP2022–71]

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 16, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–65 and CP2022–71; *Filing Title:* USPS Request to Add Priority Mail Contract 745 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 8, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* June 16, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–12797 Filed 6–13–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95070; File No. SR–FICC–2022–002]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Granting Approval of Proposed Rule Change To Revise the MBSD Clearing Rules To Move Certain DRC Items (Mark-to-Market Items, Cash Obligation Items and Accrued Principal and Interest) From the Required Fund Deposit Calculation to Cash Settlement, Revise Certain Thresholds and Parameters in the Intraday Mark-to-Market Charge, Establish a New Intraday VaR Charge and Make Certain Other Clarifications

June 8, 2022.

I. Introduction

On April 8, 2022, the Fixed *Income* Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2022–002 (''Proposed Rule Change'') pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to amend the Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (''MBSD Rules'')[3] to (1) move certain items from FICC's collection of margin (*i.e.,* the Required Fund Deposit) to its cash settlement process, including, specifically, deleting the Deterministic Risk Component (''DRC'') from the Required Fund Deposit calculation, moving certain items currently in the DRC (*i.e.,* Mark-to-Market items, cash obligation items, and accrued principal and interest) to Cash Settlement, and retaining the six days' interest for Fails item currently in the DRC calculation as a separate part of the Required Fund Deposit; (2) revise the definition of Intraday Mark-to Market Charge to reflect the movement of the DRC items to Cash Settlement and to revise certain thresholds and parameters; (3) establish a new intraday VaR Charge; and (4) make other clarifying changes in the MBSD Rules, as described in more detail below. In addition, it would also make certain conforming changes to the Methodology and Model Operations Document—MBSD Quantitative Risk

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not otherwise defined herein are defined in the MBSD Rules, as applicable, *available at http://www.dtcc.com/legal/rules-and-procedures.*

Model[4] to implement the proposed changes to the MBSD Rules.

The Proposed Rule Change was published for public comment in *the* **Federal Register** on April 25, 2022.[5] The Commission received no comments regarding the substance of the Proposed Rule Change.[6] This order approves the Proposed Rule Change.

II. Description of the Proposed Rule Change

A. Background

FICC, through MBSD, serves as a central counterparty (''CCP'') and provider of clearance and settlement services for the mortgage-backed securities markets. A key tool that FICC uses to manage its respective credit exposures to its members is the daily collection of margin from each member, which is referred to as each member's Required Fund Deposit. The aggregated amount of all members' margin constitutes the Clearing Fund, which FICC would access should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio.

Each member's margin consists of a number of applicable components. Specifically, the margin (or Required Fund Deposit) currently consists of the greater of a minimum charge[7] or the sum of the following components: the VaR Charge,[8] the DRC (discussed further below), a special charge (to the extent determined to be appropriate, based on market conditions and other financial and operational capabilities of the Member),[9] and, if applicable, the Backtesting Charge,[10] Holiday Charge,[11] Intraday Mark-to-Market Charge,[12] and the Margin Liquidity Adjustment Charge.[13]

The DRC is designed to bring a member's portfolio of open positions to market value. It reflects mark-to-market results on outstanding positions, regardless of settlement date, cash items and adjustments that are the result of netting, and principal and interest exposure on failed positions.[14] Specifically, this charge is calculated as (i) the Mark-to-Market Debit; minus (ii) the Mark-to-Market Credit; plus (iii) a cash obligation item debit; minus (iv) a cash obligation item credit; plus or minus (v) accrued principal and interest.[15] FICC also includes another parameter, six days' interest for Fails, in the DRC calculation.[16] Currently, when collected as part of a member's Required Fund Deposit, the member may pay a portion of the DRC in Eligible Clearing Fund Securities.[17]

Cash settlement is a daily process of generating a net credit or debit cash amount for each Member and settling those cash amounts between Members and MBSD, as applicable.[18] The cash settlement process is a cash pass-through process; *i.e.,* those Members that are in a net debit position are obligated to submit payments that are then used to pay Members in a net credit position.[19]

B. Move Mark-to-Market Related Charges From the Required Fund Deposit Calculation to Cash Settlement

MBSD calculates, and then collects, its members' margin, including the various components thereof, once per day, at the start of the day, based on a member's prior end-of-day positions.[20] As noted above, one of the components of the daily margin is the DRC.[21] FICC states that this aspect of the margin calculation is designed to mitigate the risk arising out of the value change between the contract/settlement value of a Clearing Member's open positions and the market value at the end of the prior day.[22] Thus, when the DRC is calculated, a debit or credit is added to the Required Fund Deposit amount of each Clearing Member, which raises or lowers the amount, respectively.[23]

FICC proposes to move all of the mark-to-market components (*i.e.,* the Mark-to-Market Debit and Credit, cash obligation items and the accrued principal and interest) currently in the DRC (except for six days' interest for Fails[24]) to Cash Settlement. The six days' interest for Fails in the DRC calculations would be added directly to the Required Fund Deposit calculation and not moved to Cash Settlement.

FICC states that while these proposed changes would impact how Clearing Members pay those amounts (*i.e.,* through Cash Settlement rather than as part of the Required Fund Deposit), these changes would not affect the manner in which these items are calculated or the amounts that Clearing Members are paying with respect to these items.[25] However, all of the items that are being moved to Cash Settlement would be required to be settled in cash.[26] As such, the proposed changes would require that Clearing Members satisfy their DRC obligations in cash as part of Cash Settlement, rather than through a mix of cash and Eligible Clearing Fund Securities as is permitted to satisfy Required Fund Deposit obligations.[27] FICC states that these changes would ensure the unrealized gains from mark-to-market changes do

[4] As part of the Proposed Rule Change, FICC filed Exhibit 5B—Methodology and Model Operations Document MBSD Quantitative Risk Model. Pursuant to 17 CFR 240.24b–2, FICC requested confidential treatment of Exhibit 5B.

[5] Securities Exchange Act Release No. 94745 (Apr. 19, 2022), 87 FR 24369 (Apr. 25, 2022) (File No. SR–FICC–2022–002) (''Notice of Filing'').

[6] The Commission received one comment letter that does not bear on the purpose or legal basis of the Proposed Rule Change. The comment on the Proposed Rule Change is available at *https://www.sec.gov/comments/sr-ficc-2022-002/srficc2022002-20125933-286378.htm.*

[7] MBSD Rule 1, *supra* note 3.

[8] MBSD Rules 1 and 4 section 2(c)(i), *supra* note 3. The VaR Charge is generally the largest component of the Required Fund Deposit. It is designed to provide an estimate of FICC's projected liquidation losses with respect to a defaulted member's portfolio at a 99 percent confidence level, and it is based on the potential price volatility of unsettled positions using a sensitivity-based Value-at-Risk model. As an alternative to this calculation, FICC also uses a haircut-based calculation as the member's VaR Charge if that charge exceeds the amount determined by the model-based calculation. Fixed Income Clearing Corporation Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures (''FICC Disclosure Framework''), at 64, *available at https://www.dtcc.com/media/Files/Downloads/legal/policy-and-compliance/FICC_Disclosure_Framework.pdf; see also* Exchange Act Release No. 92303 (June 30, 2021), 86 FR 35855 (July 7, 2021).

[9] MBSD Rule 4, Section 2(c)(iii), *supra* note 3.

[10] MBSD Rules 1 and 4 section 2(c)(iv), *supra* note 3. The Backtesting Charge is calculated to mitigate exposures to MBSD caused by settlement risks that may not be adequately captured by MBSD's portfolio volatility model. FICC Disclosure Framework, *supra* note 8, at 64.

[11] The Holiday Charge approximates the exposure that a Clearing Member's trading activity on the applicable holiday could pose to FICC. MBSD Rule1, *supra* note 3.

[12] The Intraday Mark-to-Market Charge is an additional charge that is collected to mitigate FICC's exposures that may arise due to intraday changes in the size, composition and constituent security prices of such member's portfolio. MBSD Rule 1, *supra* note 3.

[13] The Margin Liquidity Adjustment Charge addresses the risk presented to MBSD when a member's portfolio contains large net unsettled positions in a particular group of securities with a similar risk profile or in a particular asset type. FICC Disclosure Framework, *supra* note 8, at 64; MBSD Rule 4, Section 2(c), *supra* note 3.

[14] FICC Disclosure Framework, *supra* note 8, at 65.

[15] *Id.; see also* MBSD Rule 1 (defining DRC) and 4 Section 2(c)(ii).

[16] *See* Notice of Filing, *supra* note 5, 87 FR 24372.

[17] MBSD Rule 4, Section 2, *supra* note 3.

[18] MBSD Rule 11, *supra* note 3; FICC Disclosure Framework, *supra* note 8, at 80.

[19] *Id.*

[20] MBSD Rule 4, Section 2, *supra* note 3.

[21] MBSD Rules 1 and 4, Section 2(c)(ii), *supra* note 3.

[22] *See* Notice of Filing, *supra* note 5, 87 FR 24371.

[23] FICC Disclosure Framework, *supra* note 8, at 65.

[24] A Fail is a transaction the clearing of which has not occurred or has not been reported to FICC as having occurred on the Contractual Settlement Date (or expiration date). *See* MBSD Rule 1, *supra* note 3.

[25] *See* Notice of Filing, *supra* note 5, 87 FR 24369–24370.

[26] MBSD Rule 11, *supra* note 3.

[27] MBSD Rule 4, Section 2, *supra* note 3.

not leave the Required Fund Deposit insufficient to cover future exposure.[28]

C. Revise the Intraday Mark-to-Market Charge Definition To Reflect Movement of Mark-to-Market Charges to Cash Settlement and To Revise Thresholds and Parameters

FICC proposes to modify its definition of ''Intraday Mark-to-Market Charge'' to reflect the proposed movement of the Mark-to-Market items and related items to Cash Settlement. The Intraday Mark-to-Market Charge is an additional charge that is collected from a member (unless waived or altered by FICC) to mitigate FICC's exposures that may arise due to intraday changes in the size, composition and constituent security prices of such member's portfolio.[29] As part of the proposal, FICC would amend the definition of the Intraday Mark-to-Market Charge to reflect the movement of the particular items (*i.e.,* the mark-to-market debit and credit, cash obligation items, and accrued principal and interest) from the calculation of the margin due from a particular member to the member's cash settlement process.

In addition, FICC proposes to revise and remove certain thresholds set forth in its rules. Currently, the thresholds apply to members that (i) experience an adverse intraday mark-to-market change that equals or exceeds (x) a threshold dollar amount of $1,000,000, as compared to the member's start-of-day mark-to-market requirement including, if applicable, any subsequently collected, ark-to-market amount, and (y) a threshold percentage of 30 percent as compared to the daily VaR Charge, and (ii) have 12-month backtesting coverage below 99 percent.[30]

As part of this proposal, FICC would identify floors in for the dollar threshold and percentage threshold, instead of the currently provided specific thresholds, and it would also remove the backtesting coverage parameter. FICC currently has the ability to waive these thresholds and the parameter under certain circumstances under the MBSD Rules.[31] FICC represents that, consistent with this authority, its current practice is to waive or adjust these thresholds and parameter in volatile market conditions.[32] As such, according to FICC, the proposed changes to the Intraday Mark-to-Market Charge definition would align the MBSD Rules with FICC's current practice.[33]

FICC states that by removing the set percentages, and providing a floor of not less than $1,000,000 for the Dollar Threshold and not less than 10 percent of the daily VaR Charge for the Percentage Threshold, members would have a better understanding of the thresholds that FICC is using to determine whether to apply the Intraday Mark-to-Market Charge, thereby providing greater transparency and certainty regarding its application.[34] Neither the current calculation methodology nor the key components of the Intraday Mark-to-Market Charge would change.[35]

In addition, the proposed rules would remove the Surveillance Threshold provision. FICC can collect an Intraday Mark-to-Market Charge under certain circumstances in which a member meets a certain Surveillance Threshold.[36] FICC represents that it currently does not apply that provision, does not intend to apply that provision in the future, and does not believe it is necessary.[37] As such, FICC states that removing the provision would align the MBSD Rules with FICC's current practice.[38]

D. Establish a Formal VaR Charge

FICC proposes to amend the MBSD Rules to include a formal Intraday VaR Charge.[39] FICC currently monitors VaR intraday and periodically requires intraday VaR collections under certain conditions, using its existing authority to collect a special charge.[40]

FICC states that it has occasionally observed significant intraday changes to market price volatility and significant changes to the size and composition of members' portfolios that could cause the amount collected as the VaR Charge at the start of that Business Day to no longer be sufficient to mitigate the volatility risks that such positions present to FICC.[41] FICC therefore proposes the ability to adjust the percentage amount and dollar threshold or other parameters of the Intraday VaR Charge from time to time, as appropriate, to continue to reflect a threshold that mitigates the volatility risks that such positions present to FICC.[42] The proposed rule change would not implement substantive or material changes to the risk this charge is designed to mitigate, or to the overall methodology or key components of the calculation of this charge.[43] FICC proposes to remove the discretion to apply the Intraday VaR Charge under certain circumstances compared to when it implements the special charge, thereby making application of the Intraday VaR Charge more automatic and transparent on all dates. According to FICC, the introduction of the Intraday VaR Charge would result in more consistent intraday VaR collections when compared to the current practice, on both SIFMA designated settlement dates and non-SIFMA designated settlement dates.[44]

D. Make Certain Clarifying Changes

FICC proposes to make certain clarifying changes to the MBSD Rules. Specifically, FICC proposes to move certain definitions so that they are in alphabetical order, re-letter certain subsections that follow to conform to the deletion of certain subsections, and update certain cross-references to reflect other changes set forth herein.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.[45] After carefully considering the Proposed Rule Change, the Commission finds that the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to FICC. More specifically, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act,[46] and Rules 17Ad–22(e)(4)(i), (e)(6)(i) and

[28] *See* Notice of Filing, *supra* note 5, 87 FR 24369–24370.

[29] MBSD Rule 1, *supra* note 3.

[30] MBSD Rule 1, *supra* note 3.

[31] *Id.*

[32] *See* Notice of Filing, *supra* note 5, 87 FR 24370.

[33] *Id.*

[34] *See id.,* at 24373.

[35] *See* Notice of Filing, *supra* note 5, 87 FR 24370.

[36] MBSD Rule 1, *supra* note 3.

[37] *See* Notice of Filing, *supra* note 5, 87 FR 24370.

[38] *Id.*

[39] *See* Notice of Filing, *supra* note 5, 87 FR 24370.

[40] MBSD Rule 4 Section 2, *supra* note 3. According to FICC, if a member's portfolio has an intraday VaR Charge increase exceeding 100% and $1 million from the start-of-day VaR Charge, FICC would assess a special charge, typically on Securities Industry and Financial Markets Association (SIFMA) designated settlement dates, and require the member to make an intraday payment to the Required Fund Deposit. In addition, FICC represents that a member may also be subject to an intraday VaR collection on any non-SIFMA designated settlement date if the member's portfolio has an intraday VaR Charge increase exceeding 100% and $1 million and it is deemed by FICC that the increase in VaR could lead to a backtesting deficiency or push a member below 99% backtest coverage. *See* Notice of Filing, *supra* note 54, 87 FR at 24374.

[41] *See* Notice of Filing, *supra* note 5, 87 FR 24374.

[42] *Id.*

[43] *Id.*

[44] *See id.* at 24370.

[45] 15 U.S.C. 78s(b)(2)(C).

[46] 15 U.S.C. 78q–1(b)(3)(F).

(e)(6)(iii), each promulgated under the Act,[47] as described in detail below.

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that the rules of a clearing agency, such as NSCC, be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[48]

As described in Section II B above, FICC proposes to move certain mark-to-market components items from its margin collection (as part of a member's Required Fund Deposit) to Cash Settlement. The Commission believes that moving these specified items (*i.e.,* the mark-to-market debit and credit, cash obligation items, and accrued principal and interest) from the calculation of margin due from a particular member to the member's cash settlement process would better segregate the unrealized gains or losses associated with the member's portfolio from the portion of the margin that measures potential future exposure and limit the build-up of systemic risk. Currently, because of the fact that these items are collected with the member's margin, in the Required Fund Deposit, the overall amount collected may be reduced by credits relating to unrealized mark-to-market gains. During the time between the last margin collection and the close out of a Clearing Member's position, however, such gains may reduce without a corresponding increase in the Required Fund Deposit, leaving the Required Fund Deposit insufficient to cover the future exposure. As such, the proposed rule change would ensure the unrealized gains from mark-to-market changes do not leave the Required Fund Deposit insufficient to cover future exposure. These changes would help ensure that FICC collects sufficient margin and thus more effectively cover its credit exposures to its members.

In addition, as described in Section II.C above, the proposed rule change to revise the Intraday Mark-to-Market Charge to remove the specific thresholds and provide a floor for the Dollar Threshold and the Percentage Threshold, remove the Coverage Target from the definition, and remove the Surveillance Threshold from the definition, provides the ability for FICC to adjust the application of the Intraday Mark-to-Market Charge default thresholds more quickly, effectively, and flexibly in response to adverse or changes in market conditions, thereby helping to ensure that FICC collects sufficient resources to cover its exposures to its members in volatile market conditions. Further, as described in Section II.D above, FICC proposes to establish a formal Intraday VaR Charge. This proposed change enables FICC to better address any changes to market price volatility or the size of a member's portfolio that occur intraday such that, in the event of a member default, FICC's operations would not be disrupted, and non-defaulting Members would not be exposed to losses they cannot anticipate or control. Accordingly, the Commission believes the proposed rule would allow FICC to mitigate changes in in volatility that could occur intraday.[49]

For these reasons, the Commission believes that implementing these changes set forth in Sections II.B, C, and D should help ensure that, in the event of a member default, FICC's operation of its critical clearance and settlement services would not be disrupted because of insufficient financial resources. Accordingly, the Commission finds that the changes to the DRC should help FICC to continue providing prompt and accurate clearance and settlement of securities transactions in the event of a member default, consistent with Section 17A(b)(3)(F) of the Act.

Moreover, as described above in Section I.A., FICC would access the mutualized Clearing Fund should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio. The changes of moving the DRC to the cash pass-through, amending the definition of the Intraday Mark-to-Market Charge, and instituting a regular Intraday VaR Charge should help ensure that FICC has collected sufficient margin from members, thereby limiting non-defaulting members' exposure to mutualized losses. The Commission believes that by helping to limit the exposure of FICC's non-defaulting members to mutualized losses, the minimum margin amount should help FICC assure the safeguarding of securities and funds which are in its custody or control, consistent with Section 17A(b)(3)(F) of the Act.[50]

Finally, as described in Sections II.B, C, and D, the proposed rule changes would amend the Rules to improve transparency. Such changes provide clarifications to Clearing Members regarding the definitions and applications of Rules. For instance, as described in Section II.C, by removing set percentages and providing a floor of not less than $1,000,000 for the Dollar Threshold and not less than 10 percent of the daily VaR Charge for the Percentage Threshold, the Commission believes that Clearing Members will have better understanding of the default thresholds that FICC is using to determine whether to apply the Intraday Mark-to-Market Charge. The Commission believes that such changes would ensure that the Rules are accurate and clear to Members, thus promoting prompt and accurate clearance and settlement, which is consistent with Section 17A(b)(3)(F) of the Act.[51]

B. Consistency With Rule 17Ad–22(e)(4)(i)

Rule 17Ad–22(e)(4)(i) under the Act[52] requires a covered clearing agency, like FICC, to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those exposures arising from its payment, clearing, and settlement processes by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.

As discussed above in Section II.D, FICC is introducing an Intraday VaR Charge, which FICC would charge the Intraday VaR Charge on both SIFMA designated settlement dates and non-SIFMA designated settlement dates if the thresholds are crossed, regardless of whether the increase in VaR could lead to a backtesting deficiency or push a Clearing Member below 99% backtest coverage. As such, the Commission believes that the introduction of the Intraday VaR Charge would result in more consistent intraday VaR collections when compared to the

[47] 17 CFR 240.17Ad–22(e)(4)(i), (e)(6)(i) and (iii).

[48] 15 U.S.C. 78q–1(b)(3)(F).

[49] The Commission also reviewed and considered confidential analyses provided by FICC which analyzed the impact that these specified changes would have on margin collected by FICC. (As part of the Proposed Rule Change, FICC filed Exhibit 3—Confidential Supporting Information. Pursuant to 17 CFR 240.24b–2, FICC requested confidential treatment of Exhibit 3.) The Commission generally believes that the impact analyses, as summarized by FICC in the Notice, *see* Notice of Filing, *supra* note 5, 87 FR at 24369, further support its findings with respect to the consistency of the proposed changes with Section 17A(b)(3)(F) in that the changes set forth in Sections II.C and D above with respect to the Intraday Mark-to-Market Charge and Intraday VaR Charge would increase the amount of resources collected by FICC and that, with respect to the changes set forth in II.B regarding the movement of certain DRC items to cash settlement, the changes would have some impact on the amount of resources collected in cash.

[50] *Id.*

[51] *Id.*

[52] 17 CFR 240.17Ad–22(e)(4)(i).

current practice, on both SIFMA designated settlement dates and non-SIFMA designated settlement dates. The Commission also believes that the proposed Intraday VaR Charge would effectively mitigate the risks related to intraday increases in volatility and would address the increased risks FICC may face related to liquidating a Clearing Member's portfolio following that Clearing Member's default.

Accordingly, the Commission believes the proposed rule would enhance FICC's ability to effectively identify, measure and monitor its credit exposures and would enhance its ability to maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence, consistent with Rule 17Ad–22(e)(4)(i) under the Act.[53]

C. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i)[54] under the Act requires, in part, a clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.

A member's margin (in the form of its Required Fund Deposit) is made up of risk-based components that are calculated and assessed daily to limit FICC's credit exposures to its members. As discussed in Section II.B, FICC proposes to move DRC items to Cash Settlement. The Commission believes that the proposed rule change should help ensure that FICC produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market by better segregating the unrealized gains or losses associated with a Clearing Member's margin portfolio from the portion of the margin that measures potential future exposure. Further, as discussed in Section II.C, FICC proposes to amend and remove certain thresholds and parameters in its determination of the Intraday Mark-to-Market Charge, and as discussed in Section II.D, FICC proposes to introduce an Intraday VaR Charge, which is designed to more effectively address the risks presented by significant intraday changes to market price volatility or a clearing member's portfolio. The Commission believes these changes should enable FICC to assess a more appropriate level of margin that accounts for increases in these risks that may occur intraday.[55]

Accordingly, the Commission believes the proposed change is consistent with Rule 17Ad–22(e)(6)(i) under the Act.[56]

D. Consistency With 17Ad–22(e)(6)(iii)

Rule 17Ad–22(e)(6)(iii) under the Act[57] requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.

As discussed above in Section II.B, FICC proposes to move certain DRC items to Cash Settlement. The Commission believes the proposed rule change would better segregate the unrealized gains or losses associated with a Clearing Member's margin portfolio from the portion of the margin that measures potential future exposure and limit the build-up of systemic risk. By segregating the unrealized mark-to-market gains and losses from the Required Fund Deposit, the Commission believes that the proposed changes would allow FICC to calculate amounts that are sufficient to cover FICC's potential future exposure to Clearing Members in the interval between the last margin collection and the close out of positions following a participant default. Therefore, the Commission believes the proposed change is consistent with Rule 17Ad–22(e)(6)(iii) under the Act.[58]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act[59] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[60] that the Proposed Rule Change (SR–FICC–2022–002) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[61]

J. Matthew DeLesDernier,

Assistant Secretary.

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[53] *Id.*

[54] 17 CFR 240.17Ad–22(e)(6)(i).

[55] The Commission also reviewed and considered the results of FICC's impact analyses and believes that the analyses further support its findings regarding the consistency of the proposed changes with Rule 17Ad–22(e)(6)(i), for the reasons discussed in note 49 *supra*.

[56] *Id.*

[57] 17 CFR 240.17Ad–22(e)(6)(iii).

[58] *Id.*

[59] In approving this Proposed Rule Change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[60] 15 U.S.C. 78s(b)(2).

[61] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95069; File No. SR–NASDAQ–2022–017]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, To Modify Equity 4, Rule 4120 To Add Categories of Regulatory and Operational Halts, To Reorganize the Remaining Text of the Rule, and To Make Conforming Changes to Related Rules

June 8, 2022.

I. Introduction

On February 22, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify Equity 4, Rule 4120 to add categories of regulatory and operational halts, to reorganize the remaining text of the rule, and to make conforming changes to related rules. The proposed rule change was published for comment in the **Federal Register** on March 11, 2022.[3] On April 21, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On April 29, 2022, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94370 (March 7, 2022), 87 FR 14071.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 94778, 87 FR 25069 (April 27, 2022). The Commission designated June 9, 2022 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

proposed rule change as originally filed. Amendment No. 1 was published for comment in the **Federal Register** on May 9, 2022.[6] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

On May 28, 2021, the Commission approved the Fiftieth Amendment to the Joint Self-Regulatory Organization Plan (''Plan'') Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''Amended UTP Plan''),[7] which revised the Plan's provisions that governed Regulatory Halts[8] and Operational Halts.[9] In particular, the Amended UTP Plan sets forth the circumstances in which a Primary Listing Market[10] may declare a Regulatory Halt for any security for which it is the Primary Listing Market, and the factors a Primary Listing Market will consider when determining whether to declare a Regulatory Halt.[11] The Amended UTP Plan also sets forth the process for initiating a Regulatory Halt, including the start time of a Regulatory Halt and the dissemination of notice of a Regulatory Halt,[12] as well as the process for resuming trading after a Regulatory Halt other than a SIP Halt, including the Primary Listing Market's determination of a resumption and the resumption time.[13] In addition, the Amended UTP Plan sets forth a specific process for resumption of trading after a SIP Halt, including the Primary Listing Market's determination of a resumption and the SIP Halt Resume Time.[14] Finally, the Amended UTP Plan requires a Plan participant to notify the Processor where it has declared an Operational Halt.[15]

The Exchange proposes to amend Rule 4120 to incorporate provisions of the Amended UTP Plan, including the provisions that were approved as part of the Fiftieth Amendment to the Plan, and to reorganize certain existing text in Rule 4120 without substantive change other than to conform to the language of the Amended UTP Plan. The Exchange also proposes to add new text in Rule 4120 pursuant to, and to implement, the provisions of the Amended UTP Plan. Finally, the Exchange proposes to make conforming changes throughout its rules to reflect Rule 4120, as amended by this proposal.

Proposed Rule 4120(a) would set forth the definitions for certain terms that are used in the rule. In particular, proposed Rule 4120(a) would incorporate certain definitions from the Amended UTP Plan[16] and Commission rules,[17] and would include certain relocated definitions that currently exist in Rule 4120.[18] The Exchange also proposes to incorporate the definition of Regular Trading Hours from the Amended UTP Plan, which refers to the definition in Rule 600 of Regulation NMS (*i.e.,* between 9:30 a.m. and 4:00 p.m. Eastern Time).[19] This reflects a change from the Exchange's current definition of Regular Market Session, which means the trading session from 9:30 a.m. until 4:00 p.m. or 4:15 p.m.[20] According to the Exchange, no securities currently traded on the Exchange close at 4:15 p.m. and therefore the alternative closing time reflected in the current definition of Regular Market Session is unnecessary.[21] In connection with the proposed definition of Regular Trading Hours, the Exchange proposes to define Post-Market Session to mean the trading session that begins after Regular Trading Hours at approximately 4:00 p.m., and that continues until 8:00 p.m.[22] According to the Exchange, this proposed definition will reflect that all securities traded on the Exchange commence their closing process at 4:00 p.m.[23] The Exchange also states that the word ''approximately'' in the proposed definition reflects that the Exchange's closing cross preceding the Post-Market Session at 4:00 p.m. is not instantaneous.[24] Finally, the Exchange proposes to add definitions for the terms SIP[25] and SIP Plan.[26]

Proposed Rule 4120(b)(1) would set forth three categories of Regulatory Halts: (a) those provided by the Amended UTP Plan;[27] (b) discretionary Regulatory Halts; and (3) mandatory Regulatory Halts. With respect to discretionary Regulatory Halts, the Exchange proposes to relocate, without substantive change other than to conform to the language of the Amended UTP Plan, certain existing provisions of Rule 4120 under which the Exchange may halt trading.[28] The

[6] *See* Securities Exchange Act Release No. 94838 (May 3, 2022), 87 FR 27683 (''Amendment No. 1''). The Commission received one comment letter on the proposed rule change, which does not relate to the substance of the proposed rule change. The comment letter is available at *https://www.sec.gov/comments/sr-nasdaq-2022-017/srnasdaq2022017-289449.htm.*

[7] *See* Securities Exchange Act Release No. 92071, 86 FR 29846 (June 3, 2021) (S7–24–89) (''Fiftieth Amendment Order'').

[8] A ''Regulatory Halt'' is ''a halt declared by the Primary Listing Market in trading in one or more securities on all Trading Centers for regulatory purposes, including for the dissemination of material news, news pending, suspensions, or where otherwise necessary to maintain a fair and orderly market. A Regulatory Halt includes a trading pause triggered by Limit Up Limit Down, a halt based on Extraordinary Market Activity, a trading halt triggered by a Market-Wide Circuit Breaker, and a SIP Halt.'' *See* Section X.A.10 of the Amended UTP Plan.

[9] An ''Operational Halt'' is ''a halt in trading in one or more securities only on a Market declared by such Participant and is not a Regulatory Halt.'' *See* Section X.A.7 of the Amended UTP Plan.

[10] The ''Primary Listing Market'' is ''the national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Market means the exchange on which the security has been listed the longest.'' *See* Section X.A.8 of the Amended UTP Plan.

[11] *See* Section X.C of the Amended UTP Plan. *See also* Section X.G of the Amended UTP Plan (requiring a Plan participant to halt trading for any security traded on its market if the Primary Listing Market declares a Regulatory Halt for the security).

[12] *See* Section X.D of the Amended UTP Plan. *See also* Section X.H of the Amended UTP Plan (setting forth further requirements for notifications of the initiation and lifting of Regulatory Halts).

[13] *See* Section X.E of the Amended UTP Plan.

[14] *See* Section X.F of the Amended UTP Plan.

[15] *See* Section X.B of the Amended UTP Plan.

[16] Specifically, the Exchange proposes to incorporate the definitions for the following terms from the Amended UTP Plan: Extraordinary Market Activity, Material SIP Latency, Operating Committee, Operational Halt, Primary Listing Market, Processor, Regulatory Halt, SIP Halt, SIP Halt Resume Time, and SIP Outage. *See* Sections X.A.1, X.A.5, IV.A, X.A.7, X.A.8, III.Q, X.A.10, X.A.11, X.A.12, and X.A.13 of the Amended UTP Plan, respectively.

[17] Specifically, the Exchange proposes to incorporate the definition of Trading Center from Rule 600(b)(95) of Regulation NMS. *See* 17 CFR 242.600(b)(95).

[18] Specifically, the Exchange proposes to relocate the following definitions within Rule 4120 without substantive change: Derivative Securities Product, IPO, Pre-Market Session, and Required Value.

[19] Specifically, Regulation NMS defines Regular Trading Hours as the time between 9:30 a.m. and 4:00 p.m. Eastern Time, or such other time as is set forth in the procedures established pursuant to 17 CFR 242.605(a)(2). *See* 17 CFR 242.600(b)(77).

[20] The Exchange proposes to make conforming changes to Rules 5710 and 5711 to replace the term ''Regular Market Session'' with the term ''Regular Trading Hours.''

[21] *See* Amendment No. 1, *supra* note 6, at 27694.

[22] Currently, Post-Market Session means the trading session that begins at 4:00 p.m. or 4:15 p.m., and that continues until 8:00 p.m. *See* current Rule 4120(b)(4)(C).

[23] *See* Amendment No. 1, *supra* note 6, at 27686, 27689.

[24] *See id.* at 27689.

[25] The Exchange proposes to define SIP to have the same meaning as the term Processor in the Amended UTP Plan or in the Consolidated Tape Association Plan, as applicable. *See* proposed Rule 4120(a)(10).

[26] The Exchange proposes to define SIP Plan to mean the national market system plan governing the SIP. *See* proposed Rule 4120(a)(17).

[27] The Amended UTP Plan provides that a Primary Listing Market may declare a Regulatory Halt in trading for any security for which it is the Primary Listing Market: as provided for in the rules of the Primary Listing Market; if it determines there is a SIP Outage, Material SIP Latency, or Extraordinary Market Activity; or in the event of national, regional, or localized disruption that necessitates a Regulatory Halt to maintain a fair and orderly market. *See* Section X.C.1 of the Amended UTP Plan.

[28] Specifically, the Exchange proposes to relocate rule provisions relating to the following types of

Continued

Exchange also proposes to incorporate the provision of the Amended UTP Plan that permits Regulatory Halts in connection with a national, regional, or localized disruption.[29] In addition, the Exchange proposes to delete existing rule text that describes a halt type that is obsolete [30] and halt types that are superseded by the new proposed text within Rule 4120.[31]

With respect to mandatory Regulatory Halts, the Exchange proposes to relocate, without substantive change, certain existing provisions of Rule 4120 under which the Exchange is required to halt trading.[32] The Exchange also proposes to make clear that a trading halt due to extraordinary market volatility (*i.e.,* the market-wide circuit breaker) is a mandatory Regulatory Halt.[33]

Proposed Rule 4120(b)(2) would set forth the procedures for initiating a Regulatory Halt, which would be substantively identical to the analogous provisions in the Amended UTP Plan that were approved as part of the Fiftieth Amendment. Consistent with the Amended UTP Plan,[34] proposed Rule 4120(b)(2) would govern the start time of a Regulatory Halt, the notification of a Regulatory Halt, retroactive halts, consultations and considerations prior to declaring a Regulatory Halt, and evaluations after the declaration of a Regulatory Halt.[35]

Proposed Rule 4120(b)(3) would govern the scenario where another exchange initiates a Regulatory Halt. Consistent with the Amended UTP Plan,[36] proposed Rule 4120(b)(3) would provide that the Exchange would halt trading for a security when the Primary Listing Market declares a Regulatory Halt for the security.[37] The Exchange also proposes to relocate, without substantive change, existing provisions of Rule 4120 that govern halts for Derivative Securities Products that are traded on the Exchange pursuant to unlisted trading privileges.[38]

Proposed Rule 4120(b)(4) would set forth the process for the resumption of trading after a Regulatory Halt. With respect to Regulatory Halts other than IPO or SIP Halts, proposed Rule 4120(b)(4)(A) would provide for the timing and notification of resumption where the Exchange is the Primary Listing Market, consistent with the Amended UTP Plan.[39] The Exchange also proposes to relocate, without substantive change, existing provisions of Rule 4120 that govern the process for the resumption of trading following Regulatory Halts other than IPO or SIP halts, including specific provisions that govern the process for the resumption of trading following LULD halts.[40] Moreover, consistent with the Amended UTP Plan,[41] proposed Rule 4120(b)(4)(A) would provide for the timing of a resumption where the Exchange is not the Primary Listing Market.[42]

Proposed Rule 4120(b)(4)(B) would set forth the process for the resumption of trading after a SIP Halt. Consistent with the Amended UTP Plan,[43] proposed Rule 4120(b)(4)(B) would set forth the considerations for the Exchange in determining the SIP Halt Resume Time, and the Exchange's ability to delay the SIP Halt Resume Time or stagger the SIP Halt Resume Time for multiple symbols. Also consistent with the Amended UTP Plan,[44] the Exchange would terminate a SIP Halt with a notification that specifies a SIP Halt Resume Time.[45] As required by the Amended UTP Plan,[46] the Exchange proposes to provide a minimum five-minute notice of a SIP Halt Resume Time, during which period (''Display Only Period'') market participants may enter quotes and orders in the affected securities.[47] Also as required by the Amended UTP Plan,[48] the Exchange proposes to provide that, during Regular Trading Hours, the last SIP Halt Resume Time would be 20 minutes before the end of Regular Trading Hours (*e.g.,* 3:40 p.m. ET).[49] The Exchange states that 20 minutes before the end of Regular Trading Hours is the latest time that the

halts: request of certain information from the issuer (with revisions to conform to the language of the Amended UTP Plan regarding Regulatory Halts to maintain a fair and orderly market and regarding the considerations of a Primary Listing Market for initiating a Regulatory Halt); dissemination of material news; in connection with an IPO; and halt of index warrants, Derivative Securities Products, American Depositary Receipts, and other securities listed on the Exchange under specified conditions. *See* proposed Rule 4120(b)(1)(B). Rule 4120 currently permits the Exchange to halt trading in a security listed on the Exchange, if the security is listed on another national securities exchange and that exchange halts the security for regulatory reasons. The Exchange now proposes to remove the reference to another national securities exchange because under the Amended UTP Plan, if the Nasdaq-listed security is also listed on another national securities exchange, only the Primary Listing Market may declare a Regulatory Halt, and the Exchange would be required to halt trading in a security if its Primary Listing Market declares a Regulatory Halt. *See* proposed Rule 4120(b)(1)(B)(vi).

[29] *See* Section X.C.1(c) of the Amended UTP Plan.

[30] The Exchange proposes to delete current Rule 4120(a)(11), which has been superseded by the LULD Plan.

[31] The Exchange proposes to delete current Rule 4120(a)(6), which would be superseded by the provisions of the Amended UTP Plan relating to Regulatory Halts due to Extraordinary Market Activity (as proposed to be incorporated within proposed Rule 4120), as well as current Rule 4120(a)(3)(A), which will be superseded by the Exchange's proposed rules governing Operational Halts.

[32] Specifically, the Exchange proposes to relocate rule provisions relating to the following types of halts: Derivative Securities Products when certain information is not disseminated to all market participants at the same time; the Limit Up-Limit Down (''LULD'') mechanism; and Equity Investment Tracking Stocks and Subscription Receipts under specified conditions. *See* proposed Rule 4120(b)(1)(C).

[33] *See* proposed Rule 4120(b)(1)(C)(iii).

[34] *See* Sections X.C.2, X.D, and X.H of the Amended UTP Plan.

[35] The Exchange proposes to delete current Rule 4120(c)(4), which describes the start time of a trading halt and the manner in which the Exchange disseminates notice of the commencement of a trading halt, and current Rule 4120(c)(6)(A), which describes trading halts due to extraordinary market activity. These rules would be replaced by the proposed rules that incorporate provisions of the Amended UTP Plan that govern the start time and notification of trading halts, including trading halts due to Extraordinary Market Activity.

[36] *See* Section X.G of the Amended UTP Plan.

[37] The Exchange proposes to delete current Rule 4120(a)(2), which permits the Exchange to halt trading in a security listed on another exchange during a trading halt imposed by such exchange to permit the dissemination of material news.

[38] *See* proposed Rule 4120(b)(3)(A)(ii).

[39] *See* Sections X.E.1 and X.H of the Amended UTP Plan. The Exchange proposes to delete current Rule 4120(c)(5), which describes the resumption time following a trading halt and the manner in which the Exchange disseminates notice of the resumption, and current Rule 4120(c)(6)(B), which describes resumptions following trading halts due to extraordinary market activity. These rules would be replaced by proposed rules that incorporate the provisions of the Amended UTP Plan that govern the resumption of trading following trading halts, including trading halts due to Extraordinary Market Activity.

[40] *See* proposed Rule 4120(b)(4)(A)(i)a–e. The Exchange also proposes to clarify that the resumption process in proposed Rule 4120(b)(4)(A)(i)a–e applies to all types of Regulatory Halts other than SIP Halts or IPO Halts. *See* Amendment No. 1, *supra* note 6, at 27691. Similarly, the Exchange proposes to amend Rule 4753(b) to specify that the halt cross process in Rule 4753 applies generally to Nasdaq-listed securities that are the subject of a trading halt or pause under Rule 4120.

[41] *See* Section X.E.2 of the Amended UTP Plan.

[42] *See* proposed Rule 4120(b)(4)(A)(ii).

[43] *See* Section X.F of the Amended UTP Plan.

[44] *See id.*

[45] *See* proposed Rule 4120(b)(4)(B)(i)b.

[46] *See* Section X.F.2 of the Amended UTP Plan (stating that the Primary Listing Market ''shall provide a minimum notice of a SIP Halt Resume Time, as specified by the rules of the Primary Listing Market, during which period market participants may enter quotes and orders in affected securities'').

[47] *See* proposed Rule 4120(b)(4)(B)(i)b.

[48] *See* Section X.F.2 of the Amended UTP Plan (stating that ''[d]uring Regular Trading Hours, the last SIP Halt Resume Time before the end of Regular Trading Hours shall be an amount of time as specified by the rules of the Primary Listing Market'').

[49] *See* proposed Rule 4120(b)(4)(B)(i)b. If trading has not resumed by this time, the Exchange would establish its closing price in the halted securities using its contingency closing process in Rule 4754(b)(7). *See* Amendment No. 1, *supra* note 6, at 27692.

Exchange believes that it would be able to conduct an orderly halt cross process and without impacting the closing cross process.[50]

For a SIP Halt initiated by the Exchange, the Exchange also proposes to use the same reopening process as for non-IPO and non-LULD Regulatory Halts, except that the Display Only Period will be a minimum of five minutes, and may be extended at the discretion of the Exchange if it believes that trading will not resume in a fair and orderly manner.[51] Furthermore, as required by the Amended UTP Plan,[52] the Exchange proposes that, for a SIP Halt initiated by the Exchange, if during Regular Trading Hours, the Exchange does not resume trading in a security for which it is the Primary Listing Market within 10 minutes after the SIP Halt Resume Time, then other markets may resume trading in that security.[53] The Exchange states that the proposed 10-minute time period corresponds to a 10-minute time period set forth in the LULD Plan, after which the Processor may update LULD price bands for paused securities if the primary listing market for such security is unable to reopen trading following a trading pause due to a systems or technology issue.[54]

With respect to a SIP Halt initiated by another exchange that is the Primary Listing Market, during Regular Trading Hours, the Exchange would resume trading after trading has resumed on the Primary Listing Market or notice has been received from the Primary Listing Market that trading may resume.[55] Consistent with the Amended UTP Plan,[56] during Regular Trading Hours, if the Primary Listing Market does not open a security within the amount of time specified by the rules of the Primary Listing Market after the SIP Halt Resume Time, the Exchange may resume trading in that security; and outside Regular Trading Hours, the Exchange may resume trading immediately after the SIP Halt Resume Time.[57]

The Exchange proposes to relocate, without substantive change, the existing provisions of Rule 4120 that govern the process for resumption of trading following an IPO halt.[58]

The Exchange proposes to adopt Rule 4120(c) to govern Operational Halts on the Exchange. Consistent with current Rule 4120, proposed Rule 4120(c)(1) would allow the Exchange to declare an Operational Halt in a security listed on the Exchange if the Primary Listing Market imposes an Operational Halt in a security that is a derivative or component of the security listed on the Exchange. Proposed Rule 4120(c)(1) would also allow the Exchange to declare an Operational Halt for a security if the Exchange itself is experiencing extraordinary market activity or when it is otherwise necessary to maintain a fair and orderly market or in the public interest. Consistent with the Amended UTP Plan,[59] proposed Rule 4120(c)(2) would require the Exchange to notify the Processor if it has concerns about its ability to collect and transmit quotation and transactions information, or where it has declared an Operational Halt or suspension of trading.

Under proposed Rule 4120(c)(3), the Exchange may resume trading following an Operational Halt when it determines that trading may resume on its market in a fair and orderly manner and in accordance with its rules.[60] As proposed, when the Exchange is the Primary Listing Market, the resumption of trading after an Operational Halt would follow the same reopening process as for a non-IPO and non-LULD Regulatory Halt.[61] However, the Exchange would be able to determine to resume trading without a halt cross if it determines that such action is in the best interests of the market.[62] According to the Exchange, in certain circumstances, a halt cross following an Operational Halt, which only applies to the Exchange, may be disruptive or result in trade-throughs.[63] The Exchange also states that another exchange already has the flexibility to reopen trading without an auction following an Operational Halt.[64] As proposed, when the Exchange is not the Primary Listing Market, but halted trading based on an Operational Halt initiated by the Primary Listing Market, the Exchange would be able to resume trading once it has determined that trading may be resumed in a fair and orderly manner.[65]

Finally, the Exchange proposes to make non-substantive and conforming changes throughout its rules. Specifically, the Exchange proposes update its rules that currently contain cross-citations to various provisions of Rule 4120 to reflect the citations for these same provisions in proposed Rule 4120.[66] The Exchange also proposes to remove references to the obsolete Intermarket Trading System[67] and to update references to the obsolete circuit breaker in current Rule 4120(a)(11) with references to the LULD mechanism.[68] In addition, the Exchange proposes to remove rule text relating to the applicability of Rule 4120 to dually-listed securities, because the Amended UTP Plan defines the Primary Listing Market for a dually-listed security and sets forth the role of the Primary Listing Market in trading halts.[69] Moreover, the Exchange proposes to remove rule text relating to Exchange notification of material news by issuers, which is already covered elsewhere in the Exchange's rules.[70]

III. Discussion and Commission Findings

The Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange. In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[71] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative

[50] *See* Amendment No. 1, *supra* note 6, at 27692.

[51] *See* proposed Rule 4120(b)(4)(B)(i)c. *See also* Section X.F of the Amended UTP Plan (stating that the Primary Listing Market ''retains discretion to delay the SIP Halt Resume Time if it believes trading will not resume in a fair and orderly manner'').

[52] *See* Section X.F.3 of the Amended UTP Plan (stating that ''[d]uring Regular Trading Hours, if the Primary Listing Market does not open a security within the amount of time as specified by the rules of the Primary Listing Market after the SIP Halt Resume Time, a Participant may resume trading in that security'').

[53] *See* proposed Rule 4120(b)(4)(B)(i)d.

[54] *See* Amendment No. 1, *supra* note 6, at 27692.

[55] *See* proposed Rule 4120(b)(4)(B)(ii).

[56] *See* Section X.F.3 of the Amended UTP Plan.

[57] *See* proposed Rule 4120(b)(4)(B)(ii).

[58] *See* proposed Rule 4120(b)(4)(C).

[59] *See* Section X.B of the Amended UTP Plan.

[60] As proposed, trading in a security subject to an Operational Halt would resume at the time specified by the Exchange in a notice disseminated in the same manner as a notice initiating a Regulatory Halt. *See* proposed Rule 4120(c)(3)(C).

[61] *See* proposed Rule 4120(c)(3)(A).

[62] *See id.* For any Operational Halt for which a halt cross will not occur, consistent with current Rule 4120, orders entered during the halt will not be accepted, unless subject to instructions that the order will be directed to another exchange as described in Rule 4758. *See* proposed Rule 4120(c)(3)(B). The Exchange also proposes to make conforming changes to Rule 4753(b) to provide that, for Nasdaq-listed securities that are the subject of a trading halt or pause pursuant to Rule 4120, market hours trading will commence when the Exchange releases the security, in the case of a security for which the Exchange determines not to hold a halt cross.

[63] *See* Amendment No. 1, *supra* note 6, at 27693.

[64] *See id.*

[65] *See* proposed Rule 4120(c)(3)(A).

[66] *See* proposed changes to Rule 4702, Rule 4753, Rule 4754, IM–5315–2, IM–5405–1, IM–5505–1, and Rule 5711.

[67] *See* proposed changes to IM–5220.

[68] *See* proposed changes to Rule 5711.

[69] *See* proposed changes to IM–5220.

[70] *See* current Rule 4120(c)(1) and (2).

[71] 15 U.S.C. 78f(b)(5).

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 described above, the Exchange proposes to amend Rule 4120 to incorporate provisions of the Amended UTP Plan, including the provisions that were approved as part of the Fiftieth Amendment to the Plan; reorganize certain existing text in Rule 4120 without substantive change, other than to conform to the language of the Amended UTP Plan; add new text in Rule 4120 pursuant to the provisions of the Amended UTP Plan; and make conforming changes throughout its rules to reflect Rule 4120, as amended by this proposal.

In approving the Fiftieth Amendment to the Plan, the Commission stated that the amendment established a clear and uniform approach with respect to trading halts under various defined circumstances.[72] In particular, the Commission stated that the Fiftieth Amendment provided uniform rules that govern how Plan participants will address, among other things, the initiation, implementation, and communication of trading halts, as well as the resumption of trading after a trading halt, thereby clarifying the procedures to be followed and the standards to be applied, improving coordination and certainty among the Plan participants and other market participants, and enhancing the resiliency and integrity of market systems.[73] The Commission also stated that the requirement for Primary Listing Markets to make good-faith determinations concerning the appropriateness of declaring a Regulatory Halt and resuming trading thereafter should promote fair and orderly markets and the protection of investors, because it encourages Primary Listing Markets to consider the broader interests of the national market system and addresses potential concerns that Primary Listing Markets may be subject to commercial pressures in making decisions to call a Regulatory Halt and resuming trading thereafter.[74]

The Commission believes that the Exchange's proposal to incorporate provisions of the Amended UTP Plan, including the provisions that were approved as part of the Fiftieth Amendment, is consistent with the goal of establishing a clear and uniform approach with respect to trading halts under various defined circumstances, improving coordination and certainty among the Plan participants and other market participants, enhancing the resiliency and integrity of market systems, and encouraging Primary Listing Markets to consider the broader interests of the national market system in declaring a Regulatory Halt and resuming trading thereafter. The Commission similarly believes that the Exchange's proposal to reorganize the provisions of existing Rule 4120 that describe the various types of discretionary and mandatory Regulatory Halts, with changes to conform these provisions to the language of the Amended UTP Plan, is consistent with these goals.[75]

As described above, the implementation of certain provisions of the Amended UTP Plan, which were approved as part of the Fiftieth Amendment, requires the Exchange to adopt certain rules.[76] In accordance with these provisions of the Amended UTP Plan, the Exchange proposes to adopt a five-minute minimum notice and Display Only Period for a SIP Halt Resume Time, which is consistent with the minimum length of the Display Only Period that the Exchange applies to certain other types of Regulatory Halts.[77] The Exchange also proposes to establish the last SIP Halt Resume Time as 20 minutes before the end of Regular Trading Hours, which is designed to allow the Exchange to conduct an orderly halt cross process before the end of Regular Trading Hours and without impacting the closing cross process.[78] Moreover, the Exchange proposes to provide a 10-minute waiting period for other markets to resume trading in a security, if the Exchange is the Primary Listing Market for the security and does not resume trading following the SIP Halt Resume Time, which is similar to a waiting period that is currently in the LULD Plan. The Commission believes that these aspects of the proposal are reasonably designed to allow the Exchange to implement the Fiftieth Amendment to the Plan.

Furthermore, as described above, the Exchange proposes to specify in Rule 4120(c) the circumstances under which it may declare an Operational Halt (which applies only to trading on the Exchange), as well as the process for initiating an Operational Halt and resuming trading following an Operational Halt. The Exchange proposes to use the existing halt cross process to reopen trading following an Operational Halt, although the Exchange would be permitted to reopen trading following an Operational Halt without a halt cross if it determines such action to be in the best interest of the market. The Commission believes that the proposed rules governing Operational Halts on the Exchange are reasonably designed to allow the Exchange to halt trading (which applies only to trading on the Exchange) when there are unusual conditions with respect to trading on the Exchange and when necessary to main a fair and orderly market on the Exchange.[79] The Commission also believes that the proposed rules would allow the Exchange to resume trading following an Operational Halt in a fair and orderly manner using the Exchange's established halt cross process, while providing the Exchange the ability to reopen trading without a halt cross if that is in the best interest of the market, including when trading has continued in a fair and orderly manner on other markets.

Finally, the Commission believes that the proposed non-substantive and conforming changes would remove obsolete or superseded text from the Exchange's rules[80] and ensure internal

[72] *See* Fiftieth Amendment Order, *supra* note 7, at 29848.

[73] *See id.*

[74] *See id.*

[75] *See supra* notes 19–23 and accompanying text (describing the proposal to replace the term ''Regular Market Session'' with the term ''Regular Trading Hours'' and to make conforming and clarifying changes to the definition of ''Post-Market Session'') and note 28 and accompanying text (describing the proposal to amend Rule 4120 to conform to the fair and orderly market standard for Regulatory Halts in the Amended UTP Plan and to reflect that, under the Amended UTP Plan, only the Primary Listing Market may declare a Regulatory Halt, and the Exchange would be required to halt trading in a security if its Primary Listing Market declares a Regulatory Halt). Also as described above, the Exchange proposes to add the market-wide circuit breaker halt as a type of mandatory Regulatory Halt. *See supra* note 33 and accompanying text.

[76] *See supra* notes 46–54 and accompanying text.

[77] *See* current Rule 4120(c)(7).

[78] As described above, for a SIP Halt initiated by the Exchange, the Exchange proposes to resume trading using the same reopening process as for non-IPO and non-LULD Regulatory Halts. *See supra* note 51 and accompanying text.

[79] The Exchange currently has authority under its bylaws to implement an Operational Halt under certain circumstances. *See* Article IX, Section 5 of the Exchange's By-Laws (stating that the Exchange board, or such person or persons as may be designated by the board, in the event of an emergency or extraordinary market conditions, has the authority to take any action regarding the trading in or operation of the Exchange).

[80] *See supra* notes 30–31 (describing the deletion of rule provisions that are superseded by the LULD Plan, the Amended UTP Plan, and the proposed rules on Operational Halts), notes 35 and 39 (describing the deletion of rule provisions that are superseded by the Amended UTP Plan), notes 67–68 and accompany text (describing the deletion of references to the obsolete Intermarket Trading

consistency within the Exchange's rules.[81]

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[82] that the proposed rule change (SR–NASDAQ–2022–017), as modified by Amendment No. 1, be, and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[83]

J. Matthew DeLesDernier,

Assistant Secretary.

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system and circuit breaker), and note 70 and accompanying text (describing the deletion of rule provisions that are covered elsewhere in the Exchange's rules).

[81] *See supra* note 66 and accompany text (describing updates to the cross-citations to the provisions within Rule 4120) and note 69 and accompany text (describing deletions to ensure consistency with the definition and role of the Primary Listing Market under the Amended UTP Plan). *See also supra* note 40 (describing the proposal to relocate the provisions of existing Rule 4120 that describe the reopening process following a Regulatory Halt, with a proposed change to clarify the applicability of the process to the various types of Regulatory Halts, and the proposal to amend Rule 4753(b) to specify that the halt cross process in Rule 4753 applies generally to Nasdaq-listed securities that are the subject of a trading halt or pause in Rule 4120).

[82] 15 U.S.C. 78s(b)(2).

[83] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95068; File No. SR–OCC–2022–008]

Clearing Agency; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning Adoption of a Cybersecurity Attestation Program

June 8, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 25, 2022, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(6)[4] thereunder.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend the OCC's Rules to (1) define ''Cybersecurity Confirmation'' as a signed, written representation that addresses the submitting firm's cybersecurity program; and (2) enhance the OCC application requirements and ongoing requirements for applicants for clearing membership (''Applicants'') and Clearing Members to require (a) each Applicant to provide a completed Cybersecurity Confirmation as part of its application materials, and (b) each Clearing Member to deliver to OCC a complete, updated Cybersecurity Confirmation at least every two years, as described in greater detail below. The proposed changes to OCC's Rules are included as Exhibit 5 of File No. SR–OCC–2022–008. Material proposed to be added to the Rules as currently in effect is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Overview

OCC is proposing to modify the Rules in order to (1) define ''Cybersecurity Confirmation'' as a signed, written representation that addresses the submitting firm's cybersecurity program; and (2) enhance its existing practices to require that (a) all Applicants deliver a complete Cybersecurity Confirmation as part of their application materials, and (b) all Clearing Members to deliver a complete, updated Cybersecurity Confirmation at least every two years, on a date established by OCC.

[5] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

As described in more detail below, the Cybersecurity Confirmation would help OCC assess the cybersecurity risks that may be introduced to it by Clearing Members and Applicants that connect to OCC's networks and systems. The proposed Cybersecurity Confirmation would allow OCC to better assess its Clearing Members' and Applicants' cybersecurity programs and frameworks and identify possible cybersecurity risk exposures. Based on this information, OCC could take action to enhance its existing controls and mitigate identified risks and potential impacts to OCC's operations.

OCC believes it is prudent to implement a standardized approach for due diligence of cybersecurity risks that it may face through its interconnections to Clearing Members. As a designated systemically important financial market utility (''SIFMU''),[6] a failure or disruption to OCC could increase the risk of significant liquidity problems spreading among financial institutions or markets and thereby threaten the stability of the financial system in the United States. Given its designation as a SIFMU, OCC believes it is prudent to enhance its understanding of endpoint security frameworks so that its network and systems remain protected against cyberattacks.

OCC maintains a Third-Party Risk Management (''TPRM'') Framework that is designed to enable OCC to identify, measure and manage potential operational, information technology and security risks arising from third-parties, including Clearing Members and Applicants.[7] Under the TPRM framework, OCC obtains information regarding the security of an Applicant's systems and cybersecurity program prior to admitting the firm as a Clearing Member and permitting it to connect directly to OCC or through another means, such as a through a third-party service provider, service bureau, network, or the internet. OCC obtains information regarding the security of a Clearing Member's systems and cybersecurity program on a periodic basis thereafter through risk

[6] OCC was designated as a SIFMU under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. 12 U.S.C. 5465(e)(1).

[7] *See* Exchange Act Release No. 90797 (Dec. 23, 2020), 85 FR 86592, 86593 (Dec. 30, 2020) (File No. SR–OCC–2020–014).

examinations that are conducted in accordance with the TPRM Framework.

OCC's existing process for assessing cybersecurity risks that may be presented by Clearing Members and Applicants uses a questionnaire format. Responses help OCC determine whether the submitting firm (i) has established a process to notify OCC regarding security incidents; (ii) has a formal incident communication procedure integrated with its security incident response and escalation process; (iii) uses encryption to protect data within and outside of its network; (iv) has established appropriate access controls, including with respect to OCC systems and data; and (v) validates controls using independent, third-party auditors or information security professionals. OCC may require supporting information or documentation for any of these items. While the questionnaire is standardized, the form and content of supporting documentation requested by OCC is not. OCC's process for validating the submitting firm's information can be iterative and time-consuming. OCC proposes to adopt a more standardized approach for due diligence of Clearing Members' and Applicants' cybersecurity programs and frameworks. OCC believes the proposed rule change would enhance the consistency of information OCC receives from submitting firms, align with industry peers and improve process effectiveness and efficiency.[8] The proposal would better enable OCC to understand which Clearing Members may present a heightened cybersecurity risk by requiring the firms to provide information in a standardized format, which OCC could better use to make decisions about potential network risks or threats. Additionally, the proposed rule change would harmonize OCC's cybersecurity due diligence requirements for Clearing Members and Applicants with requirements that were adopted by the National Securities Clearing Corporation, Fixed Income Clearing Corporation and Depository Trust Company (collectively, the ''DTCC Clearing Agencies'') and filed with the Commission.[9] The content of OCC's proposed Cybersecurity Confirmation form, included at Exhibit 3, is substantively identical to the content of the cybersecurity confirmation form adopted by the DTCC Clearing Agencies. OCC believes an attestation-based format would be more efficient and effective than its current questionnaire-based format in ascertaining whether the submitting firm maintains appropriate policies, processes and programs with respect to cyber risk. OCC's proposed rule change would improve process effectiveness and efficiency for all submitting firms and OCC. As noted above, OCC's existing process for evaluating Clearing Members' cybersecurity programs uses a question-and-answer format that tends toward an iterative process for gathering responses and supporting documentation. OCC's proposal would enhance process efficiency for all submitting firms by standardizing the form of submissions and thereby reducing the time and effort required to demonstrate the existence of an acceptable cybersecurity framework. In addition, the large majority of OCC Clearing Members are required to make attestations regarding their cybersecurity programs that are substantively identical to OCC's proposal. OCC believes that aligning the format and content of OCC's cybersecurity attestation with that used by the DTCC Clearing Agencies would enhance process efficiency by eliminating the duplication of effort currently required for these common Clearing Members to submit different sets of materials to OCC and the DTCC Clearing Agencies regarding the firm's cybersecurity practices.[10] These process efficiencies also support program effectiveness by filtering the requested information into standardized format, which better enables OCC to review and identify areas of interest or concern for a specific firm or groups of firms. The frequency of OCC reviews under the proposed framework would also increase from every three years to every two years, which OCC believes would further enhance process effectiveness.

OCC Clearing Members may currently be subject to regulations that are designed, in part, to enhance the safeguards used by these entities to protect themselves against cyberattacks.[11] In order to comply with such regulations, Clearing Members and Applicants would be required to follow standards established by national or international organizations focused on information security management, and would have already established protocols to allow their senior management to verify that they have sufficient cybersecurity programs in place to fulfill existing regulatory obligations. Other Clearing Members have established and follow substantially similar protocols because of evolving expectations by regulators or by institutional customers as to the sufficiency of their cyber safeguards. Additionally, approximately 90% of OCC's Clearing Members are subject to requirements that are substantively identical to the proposed rule change by virtue of their membership or participation at one or more of the DTCC Clearing Agencies. The proposed rule change would establish a uniform approach for Clearing Members and Applicants to demonstrate the adequacy of their cyber and information security programs to OCC, while also aligning with the approach adopted by the DTCC Clearing Agencies and applicable to the large majority of OCC's Clearing Members already.[12]

Proposed Rule Changes

OCC is proposing to modify its Rules to (1) define ''Cybersecurity Confirmation;'' and (2) require that firms deliver a completed Cybersecurity Confirmation (a) as part of their initial application with OCC, and (b) on an ongoing basis, at least every two years. Each of these proposed rule changes is described in greater detail below.

(a) Proposed Cybersecurity Confirmation

OCC is proposing to adopt a definition of ''Cybersecurity Confirmation.'' Each Cybersecurity Confirmation would be required to be in writing on a form provided by OCC and signed by a designated senior executive of the submitting firm who is authorized to attest to these matters. Based on the form provided by OCC, each Cybersecurity Confirmation would contain representations regarding the submitting firm's cybersecurity program and framework. In addition, Clearing Members and Applicants would be

[8] *See infra* note 10.

[9] *See* Exchange Act Release No. 87696 (Dec. 9, 2019), 84 FR 68243, 68244–68245 (Dec. 13, 2019) (File No. SR–NSCC–2019–003); Exchange Act Release No. 87697 (Dec. 9, 2019), 84 FR 68266, 68267–68268 (Dec. 13, 2019) (File No. SR–FICC–2019–005); Exchange Act Release No. 87698 (Dec. 9, 2019), 84 FR 68269, 68270–68271 (Dec. 13, 2019) (File No. SR–DTC–2019–008), respectively (collectively, ''Orders Approving Program'').

[10] Approximately 90% of current OCC Clearing Members are also members or participants at one or more of the DTCC Clearing Agencies.

[11] For example, depending on the type of entity, Clearing Members or Applicants may be subject to one or more of the following regulations: (1) Regulation S–ID, which requires ''financial institutions'' or ''creditors'' under the rule to adopt programs to identify and address the risk of identity theft of individuals (17 CFR 248.201–202); (2) Regulation S–P, which requires broker-dealers, investment companies, and investment advisers to adopt written policies and procedures that address administrative, technical, and physical safeguards for the protection of customer records and information (17 CFR 248.1–30); and (3) Rule 15c3–5 under the Securities Exchange Act of 1934 (''Act''), known as the ''Market Access Rule,'' which requires broker-dealers to establish, document, and maintain a system for regularly reviewing the effectiveness of its management controls and supervisory procedures (17 CFR 240.15c3–5).

[12] *See* Orders Approving Program, *supra* note 9.

required to identify its designated control officer and the standards and/or frameworks it uses to guide and assess its cybersecurity program. While the proposed Cybersecurity Confirmation would identify certain standards and guidelines that would be appropriate, OCC would consider requests by Clearing Members and Applicants to allow other standards in accepting a Cybersecurity Confirmation.

The initial representations made by Clearing Members and Applicants would be made as of the date of submission to OCC. Subsequent representations made by Clearing Members would cover the two years prior to the date of the most recently provided Cybersecurity Confirmation.

OCC is proposing to require that the following representations be included in the form of Cybersecurity Confirmation:

First, the Cybersecurity Confirmation would include a representation that the submitting firm has defined and maintains a comprehensive cybersecurity program and framework that considers potential cyber threats that impact its organization and protects the confidentiality, integrity, and availability requirements of its systems and information.

Second, the Cybersecurity Confirmation would include a representation that the submitting firm has implemented and maintains a written enterprise cybersecurity policy or policies approved by senior management or the organization's board of directors, and the organization's cybersecurity framework is in alignment with standard industry best practices and guidelines, as indicated on the form of Cybersecurity Confirmation.[13]

Third, the Cybersecurity Confirmation would include a representation that, if the submitting firm is using a third-party service provider or service bureau(s) to connect or transact business or to manage the connection with OCC, the submitting firm has an appropriate program to (a) evaluate the cyber risks and impact of these third parties, and (b) review the third-party assurance reports.

Fourth, the Cybersecurity Confirmation would include a representation that the submitting firm's cybersecurity program and framework protect the segment of its system that connects to and/or interacts with OCC.

Fifth, the Cybersecurity Confirmation would include a representation that the submitting firm has in place an established process to remediate cyber issues identified to fulfill the submitting' firm's regulatory and/or statutory requirements.

Sixth, the Cybersecurity Confirmation would include a representation that the submitting firm's cybersecurity programs and framework's risk processes are updated periodically based on a risk assessment or changes to technology, business, threat ecosystem, and/or regulatory environment.

Lastly, the Cybersecurity Confirmation would include a representation that the review of the submitting firm's cybersecurity program and framework has been conducted by one of the following: (1) the submitting firm, if it has filed and maintains a current Certification of Compliance with the Superintendent of the New York State Department of Financial Services confirming compliance with its Cybersecurity Requirements for Financial Services Companies;[14] (2) a regulator who assesses the program against an industry cybersecurity framework or industry standard, including those that are listed on the form of Cybersecurity Confirmation and in an Information Memorandum that is issued by OCC from time to time;[15] (3) an independent external entity with cybersecurity domain expertise in relevant industry standards and practices, including those that are listed on the form of Cybersecurity Confirmation and in an Information Memorandum that is issued by OCC from time to time;[16] or (4) an independent internal audit function reporting directly to the submitting firm's board of directors or designated board of directors committee, such that the findings of that review are shared with these governance bodies.

Together, the required representations are designed to provide OCC with evidence of each Clearing Member's and Applicant's management of cybersecurity with respect to their connectivity to OCC. By requiring these representations from Clearing Members and Applicants the proposed Cybersecurity Confirmation would provide OCC with additional information that it could use to make decisions about risks or threats, perform additional monitoring, target potential vulnerabilities and protect the OCC network.

OCC is proposing to amend the Rules to include a definition of ''Cybersecurity Confirmation,'' as described above, in a new Rule 219 (Cybersecurity Confirmation).

(b) Initial and Ongoing Requirement

OCC is proposing to require that a Cybersecurity Confirmation be submitted by each Applicant, as part of its application materials, and at least every two years by each Clearing Member. With respect to the requirement to deliver a Cybersecurity Confirmation at least every two years, OCC would provide each Clearing Member with notice of the date on which the Cybersecurity Confirmation would be due. Each Clearing Member would have 180 calendar days after such notification to provide OCC with its completed Cybersecurity Confirmation.

In order to implement these proposed changes, OCC would amend the Rules to include a new Rule 219 (Cybersecurity Confirmation) to require that (1) each Applicant completes and delivers a Cybersecurity Confirmation as part of its application materials; and (2) each Clearing Member completes and delivers a Cybersecurity Confirmation at least every two years, on a date that is 180 calendar days from the date that OCC notifies the Clearing Member of the requirement to submit a Cybersecurity Confirmation.

[13] Examples of recognized frameworks, guidelines and standards that OCC believes are adequate include the Financial Services Sector Coordinating Council Cybersecurity Profile, the National Institute of Standards and Technology Cybersecurity Framework (''NIST CSF''), International Organization for Standardization (''ISO'') standard 27001/27002 (''ISO 27001''), Federal Financial Institutions Examination Council (''FFIEC'') Cybersecurity Assessment Tool, Critical Security Controls Top 20, and Control Objectives for Information and Related Technologies. OCC would identify recognized frameworks, guidelines and standards in the form of Cybersecurity Confirmation and in an Information Memorandum that OCC would issue from time to time. OCC would also consider accepting other standards upon request by a Clearing Member or Applicant.

[14] 23 N.Y. Comp. Codes R. & Regs. tit. 23, § 500 (2017). This regulation requires firms to confirm that they have a comprehensive cybersecurity program, as described in the regulation, which OCC believes is sufficient to meet the objectives of the proposed Cybersecurity Confirmation.

[15] Industry cybersecurity frameworks and industry standards could include, for example, the Office of the Comptroller of the Currency or the FFIEC Cybersecurity Assessment Tool. OCC would identify acceptable industry cybersecurity frameworks and standards in the form of Cybersecurity Confirmation and in an Information Memorandum that OCC would issue from time to time. OCC would also consider accepting other industry cybersecurity frameworks and standards upon request by a Clearing Member or Applicant.

[16] A third party with cybersecurity domain expertise is one that follows and understands industry standards, practices and regulations that are relevant to the financial sector. Examples of such standards and practices include ISO 27001 certification or NIST CSF assessment. OCC would identify acceptable industry standards and practices in the form of Cybersecurity Confirmation and in an Information Memorandum that OCC would issue from time to time. OCC would also consider accepting other industry standards and practices upon request by a Clearing Member or Applicant.

Implementation Timeframe

OCC proposes the rule changes to be effective immediately upon filing. Notwithstanding their immediate effectiveness, OCC would not make the proposed rule changes operative until 30 days after the date of the filing, or such shorter time as the Commission may designate. Upon implementation, the proposed requirement that that [sic] all Applicants deliver a Cybersecurity Confirmation with their application materials would apply to applications that have been submitted at that time but have not yet been approved or rejected. Following the effective date of the proposed rule change, OCC would notify each Clearing Member of the date on which its Cybersecurity Confirmation would be due. Each Clearing Member would then have 180 calendar days after such notification to provide OCC with its completed Cybersecurity Confirmation.

(2) Statutory Basis

OCC believes the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, OCC believes that the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act,[17] and Rules 17Ad–22(e)(17)(i) and (e)(17)(ii), each promulgated under the Act,[18] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the rules of OCC be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[19] As described above, the proposed requirement that Clearing Members and Applicants provide a Cybersecurity Confirmation regarding their cybersecurity program which includes the representations described above would provide OCC with evidence of each Clearing Member's or Applicant's management of endpoint security and would enhance the protection of OCC against cyberattacks. The proposed Cybersecurity Confirmation would provide OCC with information that it could use to make decisions about risks or threats, perform additional monitoring, target potential vulnerabilities, and protect the OCC network. The proposed Cybersecurity Confirmation would enable OCC to further identify its exposure and enable it to take steps to mitigate risks. These requirements would help reduce risk to OCC's network with respect to its communications with Clearing Members and their submission of instructions and transactions to OCC by requiring all Clearing Members connecting to OCC to have appropriate cybersecurity programs in place. Risks, threats and potential vulnerabilities could impact OCC's ability to clear and settle securities transactions, or to safeguard the securities and funds which are in its custody or control, or for which it is responsible. Therefore, by enhancing its processes to mitigate these risks, OCC believes the proposal would promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[20]

Rule 17Ad–22(e)(17)(i) under the Act requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.[21] The proposed Cybersecurity Confirmation would reduce cybersecurity risks to OCC by requiring all Clearing Members and Applicants to confirm they have defined and maintain cybersecurity programs that meet standard industry best practices and guidelines. The proposed representations in the Cybersecurity Confirmations would help OCC to mitigate its exposure to cybersecurity risk and, thereby, decrease the operational risks to OCC. The proposed Cybersecurity Confirmations would identify to OCC potential sources of external operational risks and enable it to mitigate these risks and possible impacts to OCC's operations. As a result, OCC believes the proposal is consistent with the requirements of Rule 17Ad–22(e)(17)(i) under the Act.[22]

Rule 17Ad–22(e)(17)(ii) under the Act requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by ensuring, in part, that systems have a high degree of security, resiliency, and operational reliability.[23] The proposed Cybersecurity Confirmation would enhance the security, resiliency, and operational reliability of the endpoint security with respect to OCC's network or other connectivity because, as noted above, by making the Cybersecurity Confirmation an application requirement and an ongoing membership requirement, OCC would be able to prevent the connection by any Applicant, and take action against any Clearing Member, that may pose an increased cyber risk to OCC by not having a defined and ongoing cybersecurity program that meets appropriate standards. Clearing Members and Applicants that are not in alignment with a recognized framework, guideline, or standard that OCC believes is adequate to guide and assess such organization's cybersecurity program[24] may present increased risk to OCC. By better enabling OCC to identify these risks, the proposed rule change would allow OCC to more effectively secure its environment against potential vulnerabilities. OCC's controls are strengthened when OCC's Clearing Members have similar technology risk management controls and programs within their computing environment. Control weaknesses within a Clearing Member's environment could allow for malicious or unauthorized usage of the link between OCC and the Clearing Member. As a result, OCC believes the proposal would improve OCC's ability to ensure that its systems have a high degree of security, resiliency, and operational reliability, and, as such, is consistent with the requirements of Rule 17Ad–22(e)(17)(ii) under the Act.[25]

(B) Clearing Agency's Statement on Burden on Competition

OCC believes that the propose rule change could burden competition because it would require any Applicants that do not already have cybersecurity programs that meet the standards set out in the Cybersecurity Confirmation to incur additional costs including, but not limited to, establishing a cybersecurity program and framework, engaging an internal audit function or appropriate third party to review that program and framework, and remediating any findings from such review. In addition,

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(17)(i) and (e)(17)(ii).

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] *Id.*

[21] 17 CFR 240.17Ad–22(e)(17)(i).

[22] *Id.*

[23] 17 CFR 240.17Ad–22(e)(17)(ii).

[24] While the proposed Cybersecurity Confirmation would identify certain standards and guidelines that would be appropriate, OCC would consider requests by Clearing Members and Applicants to allow other standards in accepting a Cybersecurity Confirmation.

[25] *Id.*

those Clearing Members and Applicants that do not connect directly to OCC's network, but connect through a third party service provider or service bureau, would have the additional burden of evaluating the cyber risks and impact of these third parties and reviewing the third party's assurance reports.

As discussed above, all Clearing Members and Applicants are required to provide OCC with information concerning their program(s) for information security, encryption, incident notification, access controls, and control validations. OCC assesses this information prior to determining whether to permit the firm to access OCC's network and systems and on an ongoing basis thereafter. The proposed Cybersecurity Confirmation would establish new due diligence expectations with respect to firms' submission of required information. The set of standards against which OCC currently evaluates Clearing Member and Applicant cybersecurity programs is one of the acceptable standards and/or frameworks that OCC would recognize under the proposed attestation framework. OCC has completed security assessments for each of its Clearing Members and based on the firms' responses, OCC expects that all existing Clearing Members' cybersecurity programs currently align to at least one of the standards and/or frameworks that would be recognized under the proposed framework. Accordingly, OCC believes that any potential competitive burden would be limited to future Applicants that may have to implement process changes in order to meet the Cybersecurity Confirmation requirements.[26] OCC believes that any burden on competition for future Applicants that could be created by the proposed changes would be both necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act, for the reasons described below.[27]

First, OCC believes the proposed rule change would be necessary in furtherance of the Act, specifically Section 17A(b)(3)(F) of the Act, because the Rules must be designed to promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[28] By requiring that Clearing Members and Applicants provide a Cybersecurity Confirmation, the proposed rule change would allow OCC to better understand, assess, and, therefore, mitigate the cyber risks that OCC could face through its connections to its Clearing Members. As described above, these risks could impact OCC's ability to clear and settle securities transactions, or to safeguard the securities and funds which are in OCC's custody or control, or for which it is responsible. Enhancing its processes as described above would help to mitigate these risks, and therefore OCC believes the proposal is necessary in furtherance of the requirements of Section 17A(b)(3)(F) of the Act.[29]

The proposed changes are also necessary in furtherance of the purposes of Rules 17Ad–22(e)(17)(i) and (e)(17)(ii) under the Act.[30] The proposed Cybersecurity Confirmations would better enable OCC to identify potential sources of external operational risks and establish appropriate controls that would mitigate these risks and their possible impacts to OCC's operations. The proposed changes would also improve OCC's ability to ensure that its systems have a high degree of security, by enabling OCC to better identify the cybersecurity risks that may be presented to it by Clearing Members.

Second, OCC believes that the proposed rule change would be appropriate in furtherance of the purposes of the Act. The proposed rule change would apply equally to all Clearing Members and Applicants. As described above, OCC believes that all of its current Clearing Members may already be subject to one or more regulatory requirements or clearing agency rules that include the implementation of a cybersecurity program, and these firms would already follow a widely recognized framework, guideline, or standard to guide and assess their organization's cybersecurity program to comply with these regulations. OCC has assessed its current Clearing Members' programs and believes that all of them align to at least one of the recognized standards and/or frameworks listed in the Cybersecurity Confirmation. Therefore, OCC believes any burden that may be imposed by the proposed rule change would be appropriate.

While the proposed Cybersecurity Confirmation would identify certain standards and guidelines that would be appropriate, OCC would consider requests by Clearing Members and Applicants to allow other standards in accepting a Cybersecurity Confirmation. Additionally, the proposed Cybersecurity Confirmation would provide differing options to conduct the review of the Clearing Member's or Applicant's cybersecurity program. As such, OCC has endeavored to design the Cybersecurity Confirmation in a way that is reasonable and does not require one approach for meeting its requirements, and which aligns with the due diligence requirements for cybersecurity programs and frameworks that were adopted by the DTCC Clearing Agencies.

Finally, OCC is proposing to provide Clearing Members with 180 calendar days' notice before the deadline to submit a completed Cybersecurity Confirmation. This notice period would allow Clearing Members to address any impact this change may have on their business. Applicants would be required to provide the Cybersecurity Confirmation as part of their application materials upon the effective date of this proposed rule change. The proposal is designed to provide all impacted Clearing Members with time to review their cybersecurity programs with respect to the required representations, and identify, if necessary, internal or third-party cybersecurity reviewers.

For the reasons described above, OCC believes any burden on competition that may result from the proposed rule change would be both necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[31]

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(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

[26] The proposed rule change would permit Clearing Members or Applicants to align their programs to one of several recognized standards and/or frameworks. OCC does not view this proposed optionality as burdening competition since it affords the Clearing Members and Applicants additional discretion they do not have today.

[27] 15 U.S.C. 78q–1(b)(3)(I).

[28] 15 U.S.C. 78q–1(b)(3)(F).

[29] *Id.*

[30] 17 CFR 240.17Ad–22(e)(17)(i) and (e)(17)(ii).

[31] 15 U.S.C. 78q–1(b)(3)(I).

may designate, it has become effective pursuant to Section 19(b)(3)(A)[32] of the Act and Rule 19b–4(f)(6)[33] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2022–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2022–008. 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 Section, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2022–008 and should be submitted on or before July 5, 2022.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12731 Filed 6–13–22; 8:45 am]

BILLING CODE 8011–01–P

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95073; File No. SR–OCC–2022–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning the Implementation of Changes to Settlement Timing Previously Approved in File No. SR–OCC–2022–004

June 8, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 26, 2022, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would amend the By-Laws and Rules to provide for delayed implementation of the prosed [sic] changes approved by the Commission in File No. SR–OCC–2022–004.[3] The proposed changes to OCC's By-Laws and Rules are attached to File No. SR–OCC–2022–007 as Exhibit 5a and Exhibit 5b, respectively. Proposed changes to the Clearing Fund Methodology Policy and Liquidity Risk Management Framework are attached to File No. SR–OCC–2022–007 as confidential Exhibit 5c and confidential Exhibit 5d, respectively. Material added by File No. SR–OCC–2022–004 is marked by underlining and material deleted is marked with strikethrough text. Material proposed to be added to OCC's By-Laws and Rules as currently in effect is marked by double underlining and material proposed to be deleted is marked with double strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.[4]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

On May 19, 2022, the Commission approved a proposed rule change by OCC to change the time frame for collecting margin and Clearing Fund deficits as well as increases in the Clearing Fund cash requirement. As OCC announced in Information Memo 50390, OCC currently plans to implement the changes to the time for collecting margin and general Clearing Fund deficits on the morning of Monday, June 27, 2022, and changes to the collection of Clearing Fund deficit resulting from the monthly re-sizing of the Clearing Fund on the morning of Friday, July 1, 2022.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Partial Amendment No. 1, by The Options Clearing Corporation Concerning Settlement Timing, *available at https://www.sec.gov/rules/sro/occ/2022/34-94950.pdf.*

[4] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[5] *See* Information Memo 50390, *available at https://infomemo.theocc.com/infomemos?number=50390.* Any changes to the dates announced in that

Proposed Change

Because the proposed changes as described in File No. SR–OCC–2022–004 did not discuss delayed implementation of those proposed rule changes, OCC is proposing to amend its By-Laws and Rules to retain the marked changes from File No. SR–OCC–2022–004 in its By-Laws and Rules until after the settlement time on the business day before the implementation date, which OCC will announce no less than two weeks prior to the implementation date. As discussed above, the implementation date will be no earlier than June 27, 2022. For clarity, OCC is also proposing a note to be placed before the affected By-Law and Rules provisions disclosing that the marked changes are not effective until that time, after which OCC will apply the marked changes and the notes automatically will be deleted.[6] At that time, OCC will also implement the changes to the Clearing Fund Methodology Policy and the Liquidity Risk Management Framework discussed in File No. SR–OCC–2022–004. For purposes of this filing, OCC is proposing to add the same note to those policies.

(2) Statutory Basis

OCC believes the proposed rule changes are consistent with Section 17A of the Securities Exchange Act and the rules and regulations thereunder. Section 17A(b)(3)(F)[7] of the Exchange Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions and protect investors and the public interest. By clarifying that certain By-Laws and Rules changes approved by the Commission are not yet implemented, the proposed rule changes facilitate the administration of existing rules intended to promote the prompt and accurate clearance and settlement of securities and derivatives transactions and protect investors and the public interest.

In addition, Rule 17Ad–22(e)(1) requires OCC to, among other things, maintain written policies and procedures reasonably designed to ensure a well-founded, clear, transparent, and enforceable legal basis for each aspect of OCC's activities.[8] By clarifying that the By-Laws and Rules in effect prior to File No. SR–OCC–2022–004 will remain in effect until the implementation of the changes approved therein, OCC would ensure that it maintains a well-founded, clear, transparent and enforceable legal basis for the collection of margin and Clearing Fund deficits prior to implementation of the changes approved in File No. SR–OCC–2022–004.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[9] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition. The proposed rule change would provide for the By-Laws and Rules governing collection of margin and Clearing Fund deposits that existed prior to File No. SR–OCC–2022–004 to persist until the changes from that filing are ready to be implemented. The proposed rule change would not affect the competitive dynamics between Clearing Members in that it would apply to all Clearing Members equally. The proposed rule change also would not inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another. In this regard, as described above, the proposed rule change is designed to further facilitate the prompt and accurate clearance and settlement of securities transactions.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(i)[10] of the Act, and Rule 19b–4(f)(1) thereunder,[11] the proposed rule change is filed for immediate effectiveness. 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. The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[12]

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–OCC–2022–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2022–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying

memo would be communicated via a subsequent Information Memo.

[6] The affected By-Laws are the definition of ''settlement time'' in Article I, Section 1 and Article XV, Section 1. The affected Rules are OCC Rules 101, 605, 1002, 1004, 1005, and 1006.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 17 CFR 240.17Ad–22(e)(1).

[9] 15 U.S.C. 78q–1(b)(3)(I).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

[12] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2022–007 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. 2022–12741 Filed 6–13–22; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: May 1–31, 2022

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (e) and 18 CFR 806.22 (f) for the time period specified above:

Water Source Approval—Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, L.L.C.; Pad ID: PELTON UNIT PAD; ABR–202205001; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 4, 2022.

2. Chesapeake Appalachia, L.L.C.; Pad ID: R & N; ABR–201203014.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 12, 2022.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Balduzzi; ABR–20100410.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: May 12, 2022.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Blannard; ABR–20100414.R2; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: May 12, 2022.

5. Chesapeake Appalachia, L.L.C.; Pad ID: Frisbee; ABR–20100413.R2; Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: May 12, 2022. .

6. SWN Production Company, LLC.; Pad ID: BIENKO; ABR–201203006.R2; New Milford and Jackson Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 12, 2022.

7. Seneca Resources Company, LLC.; Pad ID: Dandois 482; ABR–20100517.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 16, 2022.

8. SWN Production Company, LLC.; Pad ID: Conigliaro Pad; ABR–201204016.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 16, 2022.

9. SWN Production Company, LLC.; Pad ID: Warner Pad; ABR–201204024.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 16, 2022.

10. Coterra Energy Inc.; Pad ID: RoseC P1 ; ABR–20100407.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 16, 2022.

11. Range Resources—Appalachia, LLC; Pad ID: Cornwall South Unit; ABR–201504002.R1; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 16, 2022.

12. Chesapeake Appalachia, L.L.C.; Pad ID: Jack; ABR–20100511.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 16, 2022.

13. Chesapeake Appalachia, L.L.C.; Pad ID: Verex; ABR–20100507.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 16, 2022.

14. Seneca Resources Company, LLC.; Pad ID: Newlin 476; ABR–20100503.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 16, 2022.

15. SWN Production Company, LLC.; Pad ID: Coyle Well Pad; ABR–201205006.R2; Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 16, 2022.

16. Chesapeake Appalachia, L.L.C..; Pad ID: Janet; ABR–20100526.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2022.

17. Coterra Energy, Inc.; Pad ID: HawleyW P1; ABR–20100521.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2022.

18. SWN Production Company, LLC; Pad ID: Barnhart Well Pad; ABR–201205005.R2; Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 29, 2022.

19. EXCO Resources (PA), LLC; Pad ID: Myers Drilling Pad #1; ABR–20100416.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

20. EXCO Resources (PA), LLC; Pad ID: Emig Drilling Pad #1; ABR–20100452.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

21. EXCO Resources (PA), LLC; Pad ID: Flook Drilling Pad #1; ABR–20100505.R2; Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

22. Coterra Energy, Inc.; Pad ID: BunnellE P2; ABR–201205001.R1; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 31, 2022.

23. Repsol Oil & Gas USA, LLC; Pad ID: VANBLARCOM (03 054) J; ABR–20100523.R2; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 31, 2022.

24. Seneca Resources Company, LLC; Pad ID: COP Pad A; ABR–20100531.R2; Lawrence Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 31, 2022.

25. Chesapeake Appalachia, L.L.C.; Pad ID: Johnson; ABR–20100422.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

26. Chesapeake Appalachia, L.L.C.; Pad ID: McGavin; ABR–20100435.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

27. Chesapeake Appalachia, L.L.C.; Pad ID: Yoder; ABR–20100419.R2; West Burlington Township, Bradford County,

Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Flash; ABR–20100540.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

29. Chesapeake Appalachia, L.L.C.; Pad ID: McGraw; ABR–20100537.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

30. Chesapeake Appalachia, L.L.C.; Pad ID: Morse; ABR–20100528.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2022.

31. Chesapeake Appalachia, L.L.C.; Pad ID: Ambrosius Drilling Pad #1; ABR–201205004.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

32. Chesapeake Appalachia, L.L.C.; Pad ID: D & J Farms Drilling Pad #1; ABR–201204004.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

33. Chesapeake Appalachia, L.L.C.; Pad ID: Yanavitch Drilling Pad #1; ABR–201204003.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 31, 2022.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: June 9, 2022.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2022–12772 Filed 6–13–22; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2022–29]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 5, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–1144 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Michael H. Harrison, AIR–612, Federal Aviation Administration, 2200. S 216th Street, Des Moines, WA 98198, phone and fax (206) 231–3368, email *Michael.Harrison@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

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

Daniel J. Commins,

Manager, Technical Writing Section.

Petition for Exemption

Docket No.: FAA–2021–1144.

Petitioner: The Boeing Company.

Section(s) of 14 CFR Affected: §§ 25.901(c) and 25.981(a)(3).

Description of Relief Sought: The Boeing Company is seeking relief from 14 CFR 25.901(c) and 25.981(a)(3). Specifically, The Boeing Company is proposing to deactivate body-mounted auxiliary fuel tanks on its Model 727 airplane.

[FR Doc. 2022–12779 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2022–0018]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new (periodic) information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on March 17, 2022. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket ID FHWA 2022–0018 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kenneth Petty, Office of Planning (HEPP–1), 202–366–6654, and Spencer Stevens, Office of Planning (HEPP–20),

202–366–6221, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Survey of Metropolitan Planning Organizations and State Departments of Transportation Regarding Practices for Incorporating Equity and Meaningful Public Involvement in Transportation Planning and Project Decision-Making.

Background: The U.S. Department of Transportation (DOT, or ''the Department'') is committed to pursuing a comprehensive approach to advancing equity for all. In response to Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities through the Federal Government (86 FR 7009), DOT is working to expand access and opportunity to all communities while focusing on underserved, overburdened, and disadvantaged communities.

One focus area for DOT relates to the Department's programmatic enforcement of Title VI of the Civil Rights Act (DOT Order 1000.12C), including emphasizing agency review of the potential discriminatory impacts of plans, investment programs, and projects to prevent disparate impacts on protected classes, and empower communities, including limited English proficient communities, in transportation decision-making (49 CFR 21.5, 21.7, 21.9 and 28 CFR 406).

FHWA plans to conduct a survey of all State departments of transportation (State DOTs) and metropolitan planning organizations (MPOs) to better understand how these agencies consider equity and comply with Title VI in transportation planning and programming activities. This will include questions about how each State DOT or MPO is using quantitative data or tools to analyze equity factors for transportation plans and investment programs, as well as how each agency provides a meaningful and representative role to members of all communities, including underserved and limited English proficient communities, in shaping these plans and programs (28 CFR 407).

Information from the survey will be used to inform future research products and capacity-building activities for State DOTs and MPOs, to help them improve practices related to equity and meaningful public involvement in transportation planning and programming. Survey responses may also inform future revisions to existing guidance, or the development of new guidance, to DOT funding recipients on meeting the requirements of Title VI of the Civil Rights Act, the National Environmental Policy Act, transportation planning and programming, or other legal or regulatory requirements that relate to transportation equity and public involvement.

FHWA plans to conduct the survey on a voluntary-response basis, utilizing an electronic survey platform. This is planned as a one-time information collection, and FHWA estimates that the survey will take approximately one hour to complete. The survey will consist of both multiple-choice and short-answer question formats.

Respondents: 52 State DOTs and approximately 405 MPOs.

Frequency: Once.

Estimated Average Burden per Response: Approximately 60 minutes per respondent.

Estimated Total Annual Burden Hours: Approximately 457 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 23 U.S.C. 134 and 135; and 23 CFR Chapter 1, Subchapter E, Part 450.

Issued On: June 9, 2022.

Michael Howell,

Information Collection Officer.

[FR Doc. 2022–12769 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0111]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for the International Institute of Towing and Recovery

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of provisional renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to provisionally renew the International Institute of Towing and Recovery's (IITR) exemption to allow commercial motor vehicle (CMV) operators to secure automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of two tiedowns, both of which need to be adjustable. The exemption renewal is for 5 years.

DATES: This renewed exemption is effective May 17, 2022, through May 17, 2027. Comments must be received on or before July 14, 2022.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2016–0111 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA–2016–0111). Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

Privacy: In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–0676 or by email at *MCPSV@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2016–0111), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2016–0111'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) for a 5-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.''

III. Background

IITR has requested a 5-year extension of the current exemption from 49 CFR 393.112 to allow tow truck companies and operators of car-carrier type tow trucks to secure automobiles, light trucks and vans using a total of four tiedowns—two fixed and two adjustable—instead of two tiedowns, both of which need to be adjustable. Copies of the current exemption application, comments, and the Agency's previous decision can be found in Docket No. FMCSA–2016–0111.

Current Regulatory Requirements

Section 393.112 of the FMCSRs requires that ''[e]ach tiedown, or its associated connectors, or its attachment mechanisms must be designed, constructed, and maintained so the driver of an in-transit commercial motor vehicle can tighten them. . . .'' Section 393.128 requires that ''[a]utomobiles, light trucks, and vans must be restrained at both the front and rear to prevent lateral, forward, rearward, and vertical movement using a minimum of two tiedowns.''

Original Exemption

In its original exemption application, IITR noted that the towing industry had adopted a securement method for light vehicles whereby two non-adjustable tiedowns are attached to the rear of disabled vehicle, and then ''snugged up or adjusted by using the winch to remove any slack in the chains.'' Two adjustable chains are used to secure the front of the disabled vehicle to the transport vehicle, and ''as the front binder or ratchet is tightened up, it not only tightens up the front tiedown chain but the rear tiedown chain as well.'' IITR stated that this securement system will prevent any lateral, forward, rearward, and vertical movement of the disabled vehicle, and that the four-point tiedown system exceeds the minimum tiedown requirements specified in the FMCRs.

On May 15, 2017, following notice and comment, FMCSA granted IITR's exemption request for a 5-year period (82 FR 22372). In its decision, FMCSA noted that the current regulatory requirements did not prohibit the use of the four-tiedown system to restrain automobiles, light trucks, and vans. Instead, the regulations require a minimum of two tiedowns, both of which must be adjustable. Six commenters supported, and none opposed, the IITR application.

In granting the exemption, FMCSA agreed with the commenters that the use of a four-point tiedown system consisting of two fixed tiedowns and two adjustable tiedowns would likely provide a level of safety that is equivalent to or greater than a system that uses only two adjustable tiedowns. FMCSA further noted that:

> In the configuration described in the application, tensioning of the adjustable tiedowns on one end of the load via binders, ratches, a winch, or the tilt of the vehicle bed will in turn provide a controlled tensioning of the other, fixed tiedowns. The use of the four tiedowns in this manner will provide restraint of the transported vehicle in the lateral, longitudinal and vertical direction as required by section 393.128(b)(1) of the FMCSRs.

Finally, FMCSA noted that in addition to the cargo securement requirements in part 393:

> [S]ection 392.9(b)(2) of the FMCSRs requires every driver to inspect the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip and make adjustments to the cargo or load securement devices as necessary—including adding more securement devices—to ensure that the cargo cannot shift on or within or fall from the CMV. Further, section 392.9(b)(3) of the FMCSRs requires every driver to reexamine the cargo and its load securement devices during the course of the transportation and make any necessary adjustment whenever (1) the driver makes a change of duty status, (2) the CMV has been driven for 3 hours, or (3) the CMV has been driven for 150 miles, whichever occurs first.

Based on these considerations, FMCSA found that IITR's application had ''demonstrated that allowing the use of four tiedowns, two of which are adjustable, to secure automobiles, light trucks and vans will prevent against lateral, forward, rearward, and vertical motion as required by 49 CFR 393.128.'' Thus, FMCSA concluded that IITR had demonstrated that the configuration maintained a level of safety equivalent to, or greater than, the level of safety achieved without the exemption. In granting the exemption, FMCSA also notified the public that interested parties ''possessing information that would demonstrate that motor carriers who use two non-adjustable tiedowns in addition to the two required adjustable tiedowns are not achieving the requisite statutory level of safety should immediately notify FMCSA.'' During the period the exemption has been in effect, FMCSA has not received any notification that companies operating under the exemption have failed to achieve the equivalent level of safety.

Application for Renewal of Exemption

In its renewal application, IITR reiterated the previous statements in support of its original exemption

request. IITR further noted that the process authorized under the previous exemption is currently used by the industry as the standard method for securing light vehicles being towed and notes that ''the practice allows for an efficient four-point cargo system that is more stringent than the two-point minimum system required by 49 CFR 393.128.''

IV. Equivalent Level of Safety Analysis

FMCSA is not aware of any evidence showing that allowing the use of four tiedowns, at least two of which are adjustable, to secure automobiles, light trucks, and vans to prevent against lateral, forward, rearward, and vertical motion as required by 49 CFR 393.128 in accordance with the conditions of the original exemption, has resulted in any degradation in safety. The Agency believes that extending the exemption for a period of five years, on the terms and conditions set forth in this exemption renewal decision, will likely achieve a level of safety that is equivalent to, or greater than the level achieved by a cargo securement system that uses two adjustable tiedowns when the cargo securement system meets all of the aggregate working load limit requirements of 49 CFR 393.106(d).

V. Exemption Renewal Decision

A. Grant of Exemption

FMCSA provisionally renews the exemption for a period of five years subject to the terms and conditions of this decision and the absence of public comments that would cause the Agency to terminate the exemption as specified in this section. The exemption from the requirements of 49 CFR 393.112 is otherwise effective from May 17, 2022, through May 17, 2027, 11:59 p.m. EST, unless renewed or terminated earlier.

B. Applicability of Exemption

The exemption is restricted to towing companies and operators of car carrier type tow trucks that transport and are securing automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of using a minimum of two tiedowns, both of which need to be adjustable.

C. Terms and Conditions

Drivers operating under the exemption must comply with all other applicable FMCRS (49 CFR 350–399).

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

E. Termination

The exemption will be valid for five years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

Interested parties possessing information that would demonstrate that companies operating under this exemption are not achieving the requisite statutory level of safety should immediately notify FMCSA. Such information may be reported via email to *MCPSV@dot.gov.* The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

VI. Request for Comments

FMCSA requests public comment from all interested persons on FMCSA's decision to provisionally renew this exemption. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Address section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practical. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–12739 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0103]

Commercial Driver's License Standards: Stevens Transport, Inc.; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Stevens Transport, Inc. (Stevens) has applied for an exemption from the provisions in our regulations that require a commercial learner's permit (CLP) holder to be accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways. The exemption would allow a CLP holder who has passed the skills test but not yet received the CDL document to drive a Stevens commercial motor vehicle (CMV) accompanied by a CDL holder who is not necessarily in the passenger seat, provided the driver has documentation of passing the skills test. FMCSA requests public comment on the applicant's request for exemption.

DATES: Comments must be received on or before July 14, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2022–0103 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2022–0103) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL 14–FDMS, which can be reviewed at *https://www.transportation.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 366–2722 or by email at *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2022–0103), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number (''FMCSA–2022–0103'') in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

FMCSA's commercial driver's license (CDL) regulations prescribe minimum training conditions for behind-the-wheel training of a commercial learner's permit (CLP) holder in 49 CFR 383.25. Section 383.25(a)(1) requires that a CLP holder must at all times be accompanied by a CDL holder with the proper CDL class and endorsements. The CDL holder must be seated in the front seat of the commercial motor vehicle (CMV) while the CLP holder performs behind-the-wheel training on public roads or highways.

Applicant's Request

Stevens Transport, Inc. (Stevens) requests an exemption from 49 CFR 383.25(a)(1) to allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL, to drive a CMV without a CDL holder always present in the front passenger seat. The exemption will allow Stevens to immediately employ a qualified driver to transport freight while the driver's CDL documentation is being processed by the driver's State of domicile. Stevens recruits and develops driver candidates through the Stevens Driving Academy, and several affiliated commercial driving schools that provide CDL training in a number of States, including Colorado, Louisiana, Georgia, Florida, and Tennessee. Stevens graduates approximately 3,150 new drivers each year. Prior to the implementation of section 383.25(a)(1), the driver's State of domicile routinely issued temporary CDLs to drivers who had successfully passed a CDL skills test in their state, which made it possible for Stevens to immediately designate a new driver as on duty, and direct that driver to their State of domicile to obtain CDL documentation without entering a second driver into an on-duty status. This translated into immediate productive freight movement for Stevens and compensation for the new driver.

Stevens is currently not able to employ new drivers until their home States issue a CDL and must choose either to wait for the driver to obtain a CDL from their home State before starting on-duty freight operations or send the driver home in an unproductive non-driving capacity. The result for Stevens is supply chain inefficiency and a lost employment opportunity for a new driver. In addition, as States may take weeks to properly document and update the status of a new driver's license after passing the CDL skills test, Stevens is again not able to employ the driver without requiring a second driver in the front seat of the CMV. This administrative waiting period has caused a significant burden on Stevens's operations. Stevens requested a 2-year exemption.

IV. Equivalent Level of Safety

Stevens indicates that the exemption will result in a level of safety that is greater than the level of safety without the exemption, as the only difference between a CLP holder who has passed the CDL skills test and a CDL holder is that the latter has obtained a hard copy of the CDL document from the home state's Department of Motor Vehicles (DMV). The practical result of the exemption, if granted, is that a CLP holder who has passed a CDL skills test would be able to drive without complying with 49 CFR 383.25(a)(1) and begin immediate and productive on-the-

job training. According to Stevens, this will allow them to hone their recently acquired driving skill set and put them to work as a productive employee. If the exemption is not granted, Stevens will not be able to immediately begin training and employing new drivers due in large measure to DMV delays in delivering CDL documents. Stevens believes it is the safer approach to allow these new drivers to begin practicing their driving skills immediately under the requested exemption.

The exemption would apply only to those drivers who passed the CDL skills test, hold a CLP, and operate the CMV under supervision of a CDL holder who is somewhere in the vehicle. Stevens will ensure this level of safety by maintaining proper, up-to-date records for all drivers in possession of a CLP who have passed the CDL skills test.

A copy of Stevens' application for exemption is available for review in the docket for this notice.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Stevens' application for an exemption from the requirement in 49 CFR 383.25(a)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12810 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0054]

Request for Information Regarding FRA's Public Blocked Crossing Portal

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

ACTION: Request for information (RFI).

SUMMARY: Section 22404 of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), requires FRA to maintain a blocked crossing portal to receive information from the public regarding blocked highway-rail grade crossings. Section 22404 of BIL also requires FRA to submit a report that describes the nature of blocked highway-rail grade crossings, FRA's process for reviewing and using information received through the blocked crossing portal, FRA's engagement with affected parties, and whether the blocked crossing portal continues to be an effective method to collect blocked crossing information and what changes could improve its effectiveness. This RFI is soliciting comments on how FRA's engagement with affected parties and changes to the portal and related operations can improve the effectiveness of the portal.

DATES: Written comments on this RFI must be received on or before August 15, 2022. FRA will consider comments filed after this date to the extent practicable.

ADDRESSES:

Comments: Comments related to this RFI 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–2022–0054) for this RFI. Please note that comments submitted online via *www.regulations.gov* are not 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: For further information related to this RFI, please contact James Payne, Staff Director, Highway-Rail Crossing and Trespasser Programs Division (telephone: 202–493–6005, email: *james.payne@dot.gov*).

SUPPLEMENTARY INFORMATION: In 2019, FRA created a dedicated blocked crossing portal website (*https://www.fra.dot.gov/blockedcrossings/*) to allow the public to voluntarily submit information about blocked crossings to FRA.[1] Users of FRA's blocked crossing portal are asked to provide information about the location, date, time, duration, and immediate impacts of each blocked crossing incident. FRA uses the data collected to gain information about where and when blocked crossing incidents are occurring (as well as the duration and immediate impacts of these incidents). FRA does not, however, forward the information collected to a railroad, State, or local agency for response.

In addition to mandating that FRA maintain an online portal and corresponding database to receive and store information about blocked highway-rail grade crossings, section 22404(i) of BIL requires FRA to submit a report to Congress that discusses, among other things, whether FRA's blocked crossing portal continues to be an effective method to collect blocked crossing information, as well as changes that could be made to improve its effectiveness. Specifically, section 22404 of BIL requires FRA to submit a report that describes: (1) frequent and long-duration blocked highway-rail grade crossings, including the locations, dates, durations, and impacts resulting from such occurrences; (2) FRA's process for verifying the accuracy of the complaints submitted to the blocked crossing portal; (3) FRA's use of the data compiled by the blocked crossing portal to assess the underlying causes and overall impacts of blocked crossings; (4) FRA's engagement with affected parties to identify and facilitate solutions to frequent and long-duration blocked highway-rail grade crossings identified by the blocked crossing portal; and (5) whether the blocked crossing portal continues to be an effective method to collect blocked crossing information and what changes could improve its effectiveness.

[1] Law enforcement personnel can also submit information about blocked crossings to FRA through a separate portal, access to which is restricted to law enforcement personnel with usernames and passwords managed by FRA.

Therefore, FRA is issuing this RFI to solicit public comment on changes that could be made to FRA's blocked crossing portal to improve its effectiveness. Specifically, FRA is looking for public comment on how the information reported to the blocked crossing portal can be used to improve safety at grade crossings and the well-being of affected communities.

FRA is also seeking public comment and feedback on additional information that should be captured by the blocked crossing portal. In particular, FRA would like to know what additional information the public and industry would like to see captured on this site. In addition, FRA would like to know how it can improve the user experience of the blocked crossing portal website.

Interested parties are invited to submit comments to the electronic docket in response to this RFI. 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. 2022–12785 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0117]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: INSPIRE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0117 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0117 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0117, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel INSPIRE is:

—*Intended Commercial Use of Vessel:* ''Day charters.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Tampa, FL)
—*Vessel Length and Type:* 42′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0117 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0117 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12778 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0118]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MAGALI (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0118 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0118 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0118, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MAGALI is:

—*Intended Commercial Use of Vessel:* ''Sailing charter excursions, sailing lessons, sightseeing on coastal and intercoastal waterways.''

—*Geographic Region Including Base of Operations:* ''Texas, Louisiana, Mississippi, Alabama, Florida.'' (Base of Operations: Port Aransas, TX)

—*Vessel Length and Type:* 42.7′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0118 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0118 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's

compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12773 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0114]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WATERDOGGED (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0114 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0114 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0114, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WATERDOGGED is:

—*Intended Commercial Use of Vessel:* ''Sport Fishing.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Lighthouse Point, FL)
—*Vessel Length and Type:* 61′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0114 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0114 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12775 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0116]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PASSION (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0116 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2022–0116 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0116, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PASSION is:

—*Intended Commercial Use of Vessel:* ''Day charters.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Tampa, FL)
—*Vessel Length and Type:* 50′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0116 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0116 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12777 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0113]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PEARLS OF NAUTILUS (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0113 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0113 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0113, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PEARLS OF NAUTILUS is:

—*Intended Commercial Use of Vessel:* ''Charter.''

—*Geographic Region Including Base of Operations:* ''Rhode Island, Massachusetts, Maine, New York, Connecticut, Florida.'' (Base of Operations: Newport, RI)

—*Vessel Length and Type:* 57.6′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0113 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0113 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12781 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0115]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LIQUIDITY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this

notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 14, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0115 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0115 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0115, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LIQUIDITY is:

—*Intended Commercial Use of Vessel:* ''Day charters.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Tampa, FL)
—*Vessel Length and Type:* 48′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0115 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0115 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–12780 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Passenger Origin-Destination Survey Report

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting a sample of airline passenger itineraries with the dollar value of the passenger ticket. Certificated air carriers that operated scheduled passenger service with at least one aircraft having a seating capacity of over 60 seats or operates an international route report these data. Comments are requested concerning whether: The collection is still needed by the Department of Transportation; BTS accurately estimates the reporting burden; and there are other ways to

enhance the quality, utility and clarity of the information collected.

DATES: Written comments should be submitted by August 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access: You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: James Bouse, Office of Airline Information, RTS–42, Room E34–441, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4876, Fax Number (202) 366–3383 or Email *james.bouse@dot.gov.*

Comments: Comments should identify the associated OMB approval #2139–0013 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2139–0013, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2139–0013.

Title: Passenger Origin-Destination Survey Report.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers that operated scheduled passenger service with at least one aircraft having a seating capacity of over 60 seats or operates an international route report these data.

Number of Respondents: 54 certificated air carriers.

Number of Responses: 216.

Estimated Time per Response: 60 hours.

Total Annual Burden: 12,960 hours.

Needs and Uses: Survey data are used in monitoring the airline industry, negotiating international agreements, reviewing requests for the grant of anti-trust immunity for air carrier alliance agreements, selecting new international routes, selecting U.S. carriers to operate limited entry foreign routes, and modeling the spread of contagious diseases.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

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

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2022–12791 Filed 6–13–22; 8:45 am]

BILLING CODE 4910–9X–P

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Federal Register

Vol. 87, No. 114

Tuesday, June 14, 2022

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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**

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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
35853–36044 14

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
Memorandum of June 8, 2022.....35853
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

272.....35855

Proposed Rules:
51.....33064
301.....35904
1150.....35465

8 CFR

214.....34067
274.....34067

9 CFR

Proposed Rules:
201.....34814, 34980

10 CFR

72.....35858
429.....33316
430.....33316
431.....33316, 34067
1707.....35862

Proposed Rules:
72.....35923
429 .....34934, 35286, 35678
430 .....34934, 35286, 35925
431.....34220

11 CFR

109.....35863

12 CFR

210.....34350
328.....33415
Ch. X 35866, 35868
1002.....35864
1240.....33423, 33615
1290.....32965
1291.....32965

Proposed Rules:
25.....33884
228.....33884
345.....33884

13 CFR

121.....34094, 35869

14 CFR

39 .....32969, 32973, 32975, 32978, 33435, 33621, 33623, 33627, 33630, 33632, 34120, 34125, 34129, 34765, 34767, 34770, 34772, 35885, 35890, 35892
71 .....32980, 32981, 32982, 34573, 35083, 35383, 35384, 35385, 35386, 35387, 35643, 35644, 35645, 35895, 35896, 35897
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

Proposed Rules:

229 35938
240 35938
249 35938
274 35938

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, 35939
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

360 35898

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

46 CFR

4 35899

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:

367 35940
525 35718
531 35718

50 CFR

17 35431
300 ....34580, 34584, 35901
622 34811
635 ....33049, 33056
648 35112
660 33442
679 34215

Proposed Rules:

17 ....34228, 34625
20 35942
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

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