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Title 3—

The President

Proclamation 10415 of June 10, 2022

Flag Day and National Flag Week, 2022

By the President of the United States of America

A Proclamation

On June 14, 1777, the Continental Congress passed a resolution adopting a flag for our new Nation—the United States of America. The resolution specified 13 alternating red and white stripes with 13 stars on a blue field. The stars represented the colonies that declared independence, and in the years since, they have grown into 50 United States which comprise our great country today. For centuries, mariners looked to the stars to guide them across the seas, just as Americans and people across the globe look to our flag as a guiding symbol of freedom, opportunity, and hope. On Flag Day and during National Flag Week, we celebrate the journey of progress represented in our banner and pay tribute to the inspiration it gives Americans at home and abroad.

Our flag belongs to all Americans, and its red, white, and blue colors are woven into a rich tapestry of different cultures, backgrounds, and beliefs which connects us and honors our shared history. Old Glory has flown around the world in times of war and in times of peace. It has traveled to the Moon and to Mars. It has sailed on ships and flown on planes. It waves high above the White House, courthouses, post offices, schools, and homes across the Nation, and also above our embassies and military bases overseas—an enduring beacon of democracy.

From the Revolutionary War to the modern age, American Service members have fought bravely under the symbol of our flag, and those who give the last full measure of devotion are wrapped in its broad stripes and bright stars as they are laid to rest. We honor those who serve our country in uniform and pay homage to those who have made that ultimate sacrifice.

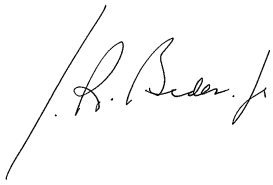
Every day, the American Flag instills pride—reminding us of the ideals upon which our Nation was founded and the values for which we stand. As we pledge our allegiance to the Star-Spangled Banner, and the legacy it holds in our history, let us continue the work of perfecting our Union so that, together, we can deliver the promise of America for all Americans.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as ''Flag Day'' and requested the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President issue annually a proclamation designating the week in which June 14 occurs as ''National Flag Week'' and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim June 14, 2022, as Flag Day, and the week starting June 12, 2022, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag and honoring all of our brave service members and revering those who gave their last full measure of devotion defending our freedoms. I encourage the people of the United States to

observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor the American spirit, to celebrate our history and the foundational values we strive to uphold, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

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



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Presidential Documents

Notice of June 13, 2022

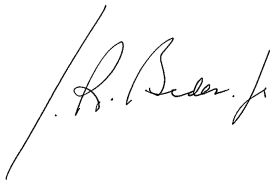
Continuation of the National Emergency With Respect to Belarus

On June 16, 2006, by Executive Order 13405, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus's democratic processes or institutions, manifested in the fundamentally undemocratic March 2006 elections; to commit human rights abuses related to political repression, including detentions and disappearances; and to engage in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority.

On August 9, 2021, by Executive Order 14038, I expanded the scope of the national emergency declared in Executive Order 13405, finding that the Belarusian regime's harmful activities and long-standing abuses aimed at suppressing democracy and the exercise of human rights and fundamental freedoms in Belarus—including illicit and oppressive activities stemming from the August 9, 2020, fraudulent Belarusian presidential election and its aftermath, such as the elimination of political opposition and civil society organizations and the regime's disruption and endangering of international civil air travel—constituted an unusual and extraordinary threat to the national security and foreign policy of the United States.

The actions and policies of certain members of the Government of Belarus and other persons, and the Belarusian regime's harmful activities and long-standing abuses, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13405, which was expanded in scope in Executive Order 14038, must continue in effect beyond June 16, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13405.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
June 13, 2022.

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Presidential Documents

Notice of June 13, 2022

Continuation of the National Emergency With Respect to North Korea

On June 26, 2008, by Executive Order 13466, the President declared a national emergency with respect to North Korea pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. The President also found that it was necessary to maintain certain restrictions with respect to North Korea that would otherwise have been lifted pursuant to Proclamation 8271 of June 26, 2008, which terminated the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq.*) with respect to North Korea.

On August 30, 2010, the President signed Executive Order 13551, which expanded the scope of the national emergency declared in Executive Order 13466 to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the continued actions and policies of the Government of North Korea, manifested by its unprovoked attack that resulted in the sinking of the Republic of Korea Navy ship *Cheonan* and the deaths of 46 sailors in March 2010; its announced test of a nuclear device and its missile launches in 2009; its actions in violation of United Nations Security Council Resolutions 1718 and 1874, including the procurement of luxury goods; and its illicit and deceptive activities in international markets through which it obtains financial and other support, including money laundering, the counterfeiting of goods and currency, bulk cash smuggling, and narcotics trafficking, which destabilize the Korean Peninsula and imperil United States Armed Forces, allies, and trading partners in the region.

On April 18, 2011, the President signed Executive Order 13570 to take additional steps to address the national emergency declared in Executive Order 13466 and expanded in Executive Order 13551 that would ensure implementation of the import restrictions contained in United Nations Security Council Resolutions 1718 and 1874 and complement the import restrictions provided for in the Arms Export Control Act (22 U.S.C. 2751 *et seq.*).

On January 2, 2015, the President signed Executive Order 13687 to expand the scope of, and to take further steps with respect to, the national emergency declared in Executive Order 13466, as expanded in Executive Order 13551, and addressed further in Executive Order 13570, to address the threat to the national security, foreign policy, and economy of the United States constituted by the provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its destructive, coercive cyber-related actions during November and December 2014, actions in violation of United Nations Security Council Resolutions 1718, 1874, 2087, and 2094, and commission of serious human rights abuses.

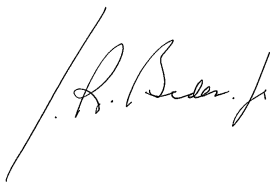
On March 15, 2016, the President signed Executive Order 13722 to take additional steps with respect to the national emergency declared in Executive Order 13466, as modified in scope and relied upon for additional steps in subsequent Executive Orders, to address the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced by

its February 7, 2016, launch using ballistic missile technology and its January 6, 2016, nuclear test in violation of its obligations pursuant to numerous United Nations Security Council resolutions and in contravention of its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, that increasingly imperils the United States and its allies.

On September 20, 2017, the President signed Executive Order 13810 to take further steps with respect to the national emergency declared in Executive Order 13466, as modified in scope and relied upon for additional steps in subsequent Executive Orders, to address the provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its intercontinental ballistic missile launches of July 3 and July 28, 2017, and its nuclear test of September 2, 2017; its commission of serious human rights abuses; and its use of funds generated through international trade to support its nuclear and missile programs and weapons proliferation.

The existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula and the actions and policies of the Government of North Korea continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13466, expanded in scope in Executive Order 13551, addressed further in Executive Order 13570, further expanded in scope in Executive Order 13687, and under which additional steps were taken in Executive Order 13722 and Executive Order 13810, must continue in effect beyond June 26, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13466 with respect to North Korea.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
June 13, 2022.

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Presidential Documents

Notice of June 13, 2022

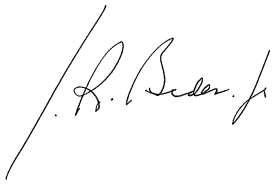
Continuation of the National Emergency With Respect to the Western Balkans

On June 26, 2001, by Executive Order 13219, the President declared a national emergency with respect to the Western Balkans pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Republic of Macedonia (what is now the Republic of North Macedonia) and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. The President subsequently amended that order in Executive Order 13304 of May 28, 2003, to take additional steps with respect to certain actions that obstruct implementation of, among other things, the Ohrid Framework Agreement of 2001 relating to Macedonia (what is now the Republic of North Macedonia).

On June 8, 2021, I signed Executive Order 14033, which expanded the scope of the national emergency declared in Executive Order 13219, as amended, finding that the situation in the territory of the former Socialist Federal Republic of Yugoslavia and the Republic of Albania (the Western Balkans), over the past two decades, including the undermining of post-war agreements and institutions following the breakup of the former Socialist Federal Republic of Yugoslavia, as well as widespread corruption within various governments and institutions in the Western Balkans, stymies progress toward effective and democratic governance and full integration into transatlantic institutions, and thereby constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.

The actions of persons threatening the peace and international stabilization efforts in the Western Balkans, including acts of extremist violence and obstructionist activity, and the situation in the Western Balkans, which stymies progress toward effective and democratic governance and full integration into transatlantic institutions, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13219, under which additional steps were taken in Executive Order 13304, and which was expanded in scope in Executive Order 14033, must continue in effect beyond June 26, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13219 with respect to the Western Balkans.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
June 13, 2022.

[FR Doc. 2022–13036
Filed 6–14–22; 8:45 am]
Billing code 3395–F2–P

Rules and Regulations

Federal Register

Vol. 87, No. 115

Wednesday, June 15, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0683; Project Identifier MCAI–2022–00631–Q; Amendment 39–22089; AD 2022–13–03]

RIN 2120–AA64

Airworthiness Directives; Cameron Balloons Ltd. Fuel Cylinders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Cameron Balloons Ltd. (Cameron) fuel cylinders installed on hot air balloons. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as cracks in the weld between the cylinder valve plate and the upper dished end of Cameron part number (P/N) CB2990 (Alugas) fuel cylinders, which could allow uncontrolled fuel leakage of liquid propane. This AD requires the removal of any installed P/N CB2990 (Alugas) fuel cylinder from service before further flight. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 30, 2022.

The FAA must receive comments on this AD by August 1, 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 Cameron Balloons Ltd., St Johns Street, Bedminster, Bristol, BS3 4NH, United Kingdom; phone: +44 0 117 9637216; email: *technical@cameronballoons.co.uk*; website: *www.cameronballoons.co.uk.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0683; 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 street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), has issued CAA Emergency AD G–2022–0010–E, dated May 12, 2022 (referred to after this as ''the MCAI''), to address an unsafe condition for certain Cameron fuel cylinders. The MCAI states:

> Five CB2990 (Alugas) cylinders have developed cracks in the weld between the cylinder valve plate and the upper dished end. These cracks allow the release of propane from the cylinder. Failures have been observed during periodic inspection (hydraulic pressure test) and leak test. All the in-service failures seen to date have been from the batch of cylinders with serial numbers starting OC.
>
> It is likely that other CB2990 cylinders may develop similar failures in service.
>
> To address this potential unsafe condition this [UK CAA Emergency AD] * * * is issued to temporarily withdraw all CB2990 (Alugas) cylinders from service pending investigation of these failures.
>
> Cameron Balloons are working urgently with the original fabricator to determine the cause and scope of these failures.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0683.

This condition, if not addressed, could lead to fire or explosion and consequent emergency landing. The FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information

The FAA reviewed Cameron Balloons Alert Service Bulletin No. 33, Revision 0, dated May 4, 2022, which specifies procedures for checking the interface between the cylinder valve plate and the upper dished end of fuel cylinders having P/N CB2990 (Alugas) using leak detector fluid and emptying the fuel.

FAA's Determination

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

AD Requirements

This AD requires, before further flight, removal from service of any installed P/N CB2990 (Alugas) fuel cylinder.

Difference Between This AD and the MCAI

The MCAI applies to hot air balloons and certain airships. This AD only applies to hot air balloons because the airships identified in the MCAI do not have an FAA type certificate.

Although the MCAI specifies inspecting the fuel cylinders for leaks and emptying the fuel, this AD does not require those actions. While those actions are encouraged for the general

safety related to the leakage of liquid propane from these fuel cylinders once they have been removed from the balloon, those actions are not required to address the unsafe condition identified in this AD.

Interim Action

The FAA considers this AD to be an interim action. If additional data is received by the UK CAA enabling the development of an inspection of the affected fuel cylinders, the FAA may take further rulemaking action.

FAA's Justification 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 waiving notice and comment prior to adoption of this rule because a liquid propane leak on the fuel cylinder could lead to an in-flight fire or explosion, damaging the hot air balloon and leading to a forced emergency landing, which could injure balloon occupants and persons on the ground. Additionally, the corrective actions must be accomplished before further flight. 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–2022–0683 and Project Identifier MCAI–2022–00631–Q'' 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 Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

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 696 fuel cylinders installed on hot air balloons worldwide. The FAA has no way of knowing the number of hot air balloons of U.S. Registry that may have an affected fuel cylinder installed. The estimated cost on U.S. operators reflects the maximum possible cost based on fuel cylinders worldwide. The average labor rate is $85 per work-hour.

The FAA estimates that removing the affected fuel cylinder will take 1 work-hour costing $85, for a cost of up to $59,160 for the U.S. fleet. The FAA estimates that installing a non-affected fuel cylinder will take 1 work-hour costing $85 and will cost $3,200 per fuel cylinder, for a cost of up to $2,286,360 for the U.S. fleet.

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:

2022–13–03 Cameron Balloons Ltd.: Amendment 39–22089; Docket No. FAA–2022–0683; Project Identifier MCAI–2022–00631–Q.

(a) Effective Date

This airworthiness directive (AD) is effective June 30, 2022.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to hot air balloons, certificated in any category, equipped with a Cameron Balloons Ltd. part number (P/N) CB2990 (Alugas) fuel cylinder (the affected fuel cylinder).

(2) The affected fuel cylinder may be installed on hot air balloon models including, but not limited to, those of the following design approval holders:

(i) Aerostar International, Inc.;

(ii) Ballonbau Worner GmbH;

(iii) Balóny Kubíček spol. s.r.o.;

(iv) Cameron Balloons Ltd.;

(v) Eagle Balloons Corp.;

(vi) JR Aerosports, Ltd. (type certificate previously held by Sundance Balloons (US));

(vii) Lindstrand Balloons Ltd.; and

(viii) Michael D. McGrath (type certificate subsequently transferred to Andrew Philip Richardson, Adams Aerostats LLC).

(d) Subject

Joint Aircraft System Component (JASC) Code 2810, Fuel Storage.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as cracks in the weld between the cylinder valve plate and the upper dished end of Cameron Balloons Ltd. P/N CB2990 (Alugas) fuel cylinders. The FAA is issuing this AD to prevent uncontrolled fuel leakage of liquid propane. The unsafe condition, if not addressed, could lead to fire or explosion and consequent emergency landing.

(f) Compliance

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

(g) Actions

Before further flight after the effective date of this AD, remove the affected fuel cylinder from service.

Note 1 to paragraph (g): Cameron Balloons Alert Service Bulletin No. 33, Revision 0, dated May 4, 2022, provides procedures for doing a leak check and emptying fuel from the Cameron P/N CB2990 (Alugas) fuel cylinder to render it safe for storage following the removal from service. These actions are not required by this AD.

(h) Special Flight Permit

Special flight permits are prohibited.

(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 certification office, 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 Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; email: *mike.kiesov@faa.gov.*

(2) Refer to United Kingdom (UK) Civil Aviation Authority (CAA) Emergency AD G–2022–0010–E, dated May 12, 2022, for more information. You may examine the UK CAA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0683.

(3) For service information identified in this AD that is not incorporated by reference, contact Camron Balloons Ltd., St John Street, Bedminster, Bristol, BS3 4NH, United Kingdom; phone: +44 0 117 9637216; email: *technical@cameronballoons.co.uk*; website: *www.cameronballoons.co.uk.*

(k) Material Incorporated by Reference

None.

Issued on June 10, 2022.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–12969 Filed 6–13–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1020; Project Identifier AD–2021–00864–T; Amendment 39–22055; AD 2022–11–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 777 airplanes. This AD was prompted by a report of the loss of the nuts at all four fastener locations common to the outboard flap inboard support rear spar attachment fittings, which affects the retention feature of the fasteners and leaves the fasteners susceptible to migrating out of the joint. This AD requires repetitive detailed inspections for discrepancies of the fasteners and shim of the wing rear spar at certain outboard flap supports; a detailed inspection for damage of the shim, flap support mechanism, and wing lower skin; installation of new fasteners and shims; and repair or replacement of damaged parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 20, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 20, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1020.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No.

FAA–2021–1020; 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: Luis Cortez, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: (206) 231–3958; email: *Luis.A.Cortez-Muniz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 777 airplanes. The NPRM published in the **Federal Register** on December 28, 2021 (86 FR 73706). The NPRM was prompted by a report of the loss of the nuts at all four fastener locations common to the outboard flap inboard support rear spar attachment fittings, which affects the retention feature of the fasteners and leaves the fasteners susceptible to migrating out of the joint. In the NPRM, the FAA proposed to require repetitive detailed inspections for discrepancies of the fasteners and shim of the wing rear spar at certain outboard flap supports; a detailed inspection for damage of the shim, flap support mechanism, and wing lower skin; installation of new fasteners and shims; and repair or replacement of damaged parts. The FAA is issuing this AD to address the resulting inability of the outboard flap support to sustain limit load, and potential loss of the outboard flap. Loss of the fastener retention feature in the rear spar attachment may lead to a severed joint at the forward attachment point, leading to separation of the support fitting, which could cause damage and consequent reduced controllability and reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from the Air Line Pilots Association, International (ALPA), Boeing, and an individual, who supported the NPRM without change.

The FAA received additional comments from three commenters, including Air France, United Airlines (UAL), and FedEx. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Extend Compliance Time

Air France asked that the FAA change the threshold and interval for the inspections to match a heavy maintenance visit, or keep the current repeat intervals but change the scheduling rule to use ''whichever occurs later'' for the specified compliance time. Air France stated that Boeing has identified the root cause to be a significant cyclical compression load that leads to the loss of fastener clamp up, so the issue seems to be related more to flight cycles than flight length. Air France added that with the 777 fleet used mostly for long-haul operations, its airplanes will quickly reach the flight-hour threshold. Air France noted that in the referenced service information, replacing damaged parts specifies installation of new fasteners and shims common to all four outboard flap support locations at the same time, which will impact maintenance and could delay the aircraft's return to service.

The FAA does not agree with the commenter's request to extend the compliance time threshold and interval for the inspections. The FAA determined that the compliance time, as proposed, represents the maximum interval of time allowable for the affected airplanes to continue to safely operate before the initial and repetitive inspections and on-condition actions are done. If the inspection interval were based on maintenance schedules, which vary among operators, there would be no assurance that the airplane would be inspected and repaired during that maximum interval. In addition, in developing an appropriate compliance time, the FAA coordinated with the manufacturer to provide a compliance time with an acceptable level of safety. However, under the provisions of paragraph (i) of this AD, the FAA will consider requests for approval of an extension of the compliance time, if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Request To Allow Alternate Terminating Actions

Air France asked that the FAA provide separate terminating action for the left-hand wing (outboard flap support number 1 and 2) and the right-hand wing (outboard flap support number 7 and 8). Air France asserted that depending on the inspection results, terminating action can be accomplished or scheduled during two different maintenance opportunities: (1) when a defect is found on outboard flap support number 1, the modification should be completed as corrective action at position numbers 1 and 2 only; and (2) when no defect is found on outboard flap support numbers 7 and 8, the terminating action can be postponed and performed before the mandated threshold. Air France added that if a defect is found, the referenced service information specifies to modify all four outboard flap support locations at the same time, which will have an impact on maintenance and could delay the aircraft's return to service.

FedEx asked that the proposed AD mandate the terminating action only for flap support locations with findings. FedEx stated that Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021, specifies accomplishment of the terminating action at all four flap support locations even if there are inspection findings at only one location.

The FAA does not agree with the commenters' requests to allow alternative terminating actions. The FAA coordinated with the manufacturer regarding the corrective action, and determined that the terminating action for the inspection findings as specified in the proposed AD provides the necessary level of safety. Under the provisions of paragraph (i) of this AD, however, the FAA will consider requests for approval of alternative terminating action, if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Request To Include Changes in Information Notice

FedEx and UAL asked that the proposed AD allow for loosening of the two bolts on the adjacent flap support mechanism beam, as specified in the proposed changes in Boeing Service Bulletin Information Notice 777–57A0123 IN 01, dated September 14, 2021, to ensure better accomplishment of the required inspection and provide further access to clean and inspect the flap support. FedEx stated that based on experience with modifying 777F airplanes, the changes will ensure that the safety objectives of the service information are met. FedEx noted that approved data published in the B777 Structural Repair Manual contains this proposed language.

The FAA does not agree with the commenters' requests. The changes

proposed in the referenced information notice have not been approved by the FAA. However, under the provisions of paragraph (i) of this AD, the FAA will consider requests for approval of the revised service information with the information notice incorporated, if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021. This service information specifies procedures for repetitive detailed inspections for discrepancies (missing nuts, loose nuts, thread protrusion, shim migration, and gapping between the shim and wing lower skin or between the shim and flap support fitting) of the fasteners and shim of the wing rear spar at outboard flap support numbers 1, 2, 7, and 8; a detailed inspection for damage of the shim, flap support mechanism, and wing lower skin; installation of new fasteners and shims; and repair or replacement of damaged parts. Installation of the new fasteners and shim would eliminate the need for the repetitive inspections. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 280 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed inspections	39 work-hours × $85 per hour = $3,315.	$0	$3,315	$928,200 per inspection cycle.
Inspection for damage, installation of fasteners/shim, replacement of damaged parts.	Up to 37 work-hours × $85 per hour = Up to $3,145.	1,920	Up to $5,065	Up to $1,418,200.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–11–05 The Boeing Company: Amendment 39–22055; Docket No. FAA–2021–1020; Project Identifier AD–2021–00864–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 20, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of the loss of the nuts at all four fastener locations common to the outboard flap inboard support rear spar attachment fittings, which affects the retention feature of the fasteners and leaves the fasteners susceptible to migrating out of the joint. The FAA is issuing this AD to address the resulting inability of the outboard flap support to sustain limit load, and potential loss of the outboard flap. Loss of the fastener retention feature in the rear spar attachment may lead to a severed joint at the forward attachment point, leading to separation of the support fitting, which could cause damage and consequent reduced controllability and reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–57A0123, dated July 8, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021, use the phrase ''the original issue date of Requirements Bulletin 777–57A0123 RB,'' this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Luis Cortez, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: (206) 231–3958; email: *Luis.A.Cortez-Muniz@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 777–57A0123 RB, dated July 8, 2021.

(ii) [Reserved]

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

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

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

Issued on May 16, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12818 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the asset allocation regulation for plans with valuation dates in the third quarter of 2022. These interest assumptions are used for valuing benefits under terminating single-employer plans and for other purposes.

DATES: Effective July 1, 2022.

FOR FURTHER INFORMATION CONTACT: Gregory Katz (*katz.gregory@pbgc.gov*), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–229–3829. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions—including interest assumptions—for valuing benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumptions in the regulation are also published on PBGC's website (*https://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4044 (''Interest Rates Used to Value Benefits'') to determine the present value of annuities in an involuntary or distress termination of a single-employer plan under the asset allocation regulation. The assumptions are also used to determine the value of multiemployer plan benefits and certain assets when a plan terminates by mass withdrawal in accordance with PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281).

The third quarter 2022 interest assumptions will be 2.81 percent for the first 20 years following the valuation date and 2.94 percent thereafter. In comparison with the interest assumptions in effect for the second quarter of 2022, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.41 percent in the select rate, and an increase of 0.82 percent in the ultimate rate (the final rate).

Need for Immediate Guidance

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC routinely updates the interest assumptions in appendix B of the asset allocation regulation each quarter so that they are available to value benefits. Accordingly, PBGC finds that the public interest is best served by issuing this rule expeditiously, without an opportunity for notice and comment, and that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication to allow the use of the proper assumptions to estimate the value of plan benefits for plans with valuation dates early in the third quarter of 2022.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In appendix B to part 4044, an entry for ''July–September 2022'' is added at the end of the table to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *		*	*	*		*
July–September 2022	0.0281	1–20	0.0294	>20	N/A	N/A

Issued in Washington, DC.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2022–12768 Filed 6–14–22; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket Number USCG–2021–0832]

2021 Quarterly Listings; Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, and special local regulations, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between January 2021 and March 2021, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Yeoman First Class Glenn Grayer, Office of Regulations and Administrative Law, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between January 2021 and March 2021 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective start date
USCG–2020–0498	Safety Zone (Parts 147 and 165)	Horry County, SC	8/5/2020
USCG–2020–0731	Safety Zone (Parts 147 and 165)	Natchez, MS	1/1/2021
USCG–2021–0007	Safety Zone (Parts 147 and 165)	Ingleside, TX	1/7/2021
USCG–2021–0011	Safety Zone (Parts 147 and 165)	Bald Head Island, NC	1/10/2021

Docket No.	Type	Location	Effective start date
USCG–2020–0688	Safety Zone (Parts 147 and 165)	San Diego, CA	1/12/2021
USCG–2021–0026	Security Zones (Part 165)	Washington, DC	1/13/2021
USCG–2021–0039	Safety Zone (Parts 147 and 165)	Venice, LA	1/23/2021
USCG–2020–0730	Safety Zone (Parts 147 and 165)	St. Petersburg, FL	1/26/2021
USCG–2021–0054	Safety Zone (Parts 147 and 165)	Corpus Christi, TX	1/29/2021
USCG–2021–0063	Safety Zone (Parts 147 and 165)	Corpus Christi, TX	2/2/2021
USCG–2021–0110	Safety Zone (Parts 147 and 165)	Tacoma, WA	2/18/2021
USCG–2021–0085	Safety Zone (Parts 147 and 165)	Victoria, TX	2/24/2021
USCG–2021–0122	Security Zones (Part 165)	Newport, DE	2/26/2021
USCG–2021–0134	Safety Zone (Parts 147 and 165)	Port O' Connor, TX	3/2/2021
USCG–2021–0078	Safety Zone (Parts 147 and 165)	Savannah, GA	3/17/2021
USCG–2021–0161	Security Zones (Part 165)	Wilmington, DE	3/17/2021
USCG–2021–0171	Security Zones (Part 165)	Newport, DE	3/26/2021
USCG–2021–0158	Safety Zone (Parts 147 and 165)	Atlantic City, NJ	3/28/2021

Dated: June 10, 2022.

M.T. Cunningham,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. 2022–12884 Filed 6–14–22; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 220, 222, 225, 226, 228, 230, 231, 232, and 233

[Docket No. 2021–8]

Copyright Claims Board: Active Proceedings and Evidence; Correction

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

ACTION: Final rule; correction.

SUMMARY: The U.S. Copyright Office is correcting a final rule that appeared in the **Federal Register** on May 17, 2022. The document established procedures governing active proceedings before the Copyright Claims Board and post-determination procedures under the Copyright Alternative in Small-Claims Enforcement Act of 2020. The correction fixes an inadvertent instruction, typographical errors, and inconsistent phrasing.

DATES: Effective June 16, 2022.

FOR FURTHER INFORMATION CONTACT: Megan Efthimiadis, Assistant to the General Counsel, by email at *meft@copyright.gov,* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: In FR Doc. 2022–10466 appearing on at 87 FR 30060 in the issue of Tuesday, May 17, 2022, the following corrections are made:

§ 220.5 [Corrected]

■ 1. On page 30075, in the third column, in § 220.5, in paragraph (a)(1) introductory text, ''Requests and responses to requests which are identified under this subsection shall be filed through the fillable form on eCCB and be limited to 4,000 characters. Any party may submit a response to a request identified in this subsection within seven days of the filing of the request.'' is corrected to read ''Requests and responses to requests which are identified under this paragraph (a)(1) shall be filed through the fillable form on eCCB and be limited to 4,000 characters. Any party may submit a response to a request identified in this paragraph within seven days of the filing of the request.''

■ 2. On page 30076, in the second column, in § 220.5, in paragraph (a)(2) introductory text, ''Requests and responses to requests which are identified under this subsection shall be filed through the fillable form on eCCB and be limited to 10,000 characters, not including any permitted attachments.'' is corrected to read ''Requests and responses to requests which are identified under this paragraph (a)(2) shall be filed through the fillable form on eCCB and be limited to 10,000 characters, not including any permitted attachments.''

■ 3. On page 30076, in the second column, in § 220.5, paragraph (a)(2)(v), ''Such requests must enter each specific additional discovery request (*e.g.,* the specific interrogatories, document requests or requests for admission sought) within the fillable form;'' is corrected to read ''Such requests must enter each specific additional discovery request (*e.g.,* the specific interrogatories, document requests, or requests for admission sought) within the fillable form;''.

§ 222.8 [Corrected]

■ 4. On page 30077, in the second column, in § 228.8, in paragraph (f), ''A failure to file a response within the required timeframe may constitute a default 17 U.S.C. 1506(u), and the Board may begin proceedings in accordance with part 227 of this subchapter.'' is corrected to read ''A failure to file a response within the required timeframe may constitute a default under 17 U.S.C. 1506(u), and the Board may begin proceedings in accordance with part 227 of this subchapter.''

§ 222.10 [Corrected]

■ 5. On page 30077, in the second column, in part 222, following amendatory instruction 9, the section heading ''§ 222.8 Response to counterclaim'' is corrected to read ''§ 222.10 Response to counterclaim''.

§ 222.14 [Corrected]

■ 6. On page 30078, in the third column, in § 222.14, in paragraph (c), ''At any time, a third party seeking to intervene on the ground(s)s that it is a necessary party may file a request setting forth the reasons for the request and requesting a conference with the Board.'' is corrected to read ''At any time, a third party seeking to intervene on the ground(s) that it is a necessary party may file a request setting forth the reasons for the request and requesting a conference with the Board.''

§ 222.17 [Corrected]

■ 7. On page 30080, in the first column, in § 222.17, in paragraph (d), ''Dismissal of a claim or counterclaim under this section will not affect remaining claims or counterclaims in the proceeding.'' is corrected to read ''Dismissal of a claim or counterclaim under this section will not affect any remaining claims or counterclaims in the proceeding.''

§ 225.1 [Corrected]

■ 8. On page 30082, in the first column, in § 225.1, in paragraph (a)(2), ''Requests to the Board related to discovery may be raised to the Board during a conference or by written request, as set forth in this section.'' is corrected to read ''Requests to the Board related to discovery may be raised to the Board during a conference or by written request, as set forth in this part.''

§ 225.3 [Corrected]

■ 9. On page 30084, in the first column, in § 225.3, in paragraph (f)(2) introductory text, ''Documents responsive to the *standard requests for the production of documents,* or any additional requests permitted by the Board, including electronically stored information (ESI), including emails and computer files.'' is corrected to read ''Documents responsive to the *standard requests for the production of documents,* or any additional requests permitted by the Board, shall include electronically stored information (ESI), including emails and computer files.''

§ 226.4 [Corrected]

■ 10. On page 30087, in the first column, in § 226.4, in paragraph (g), ''In its discretion or upon the request of any party, the presiding Officer may hold additional conferences, including to manage the conduct of the proceeding, address disputes between the parties, settlement and engage in further discussion of the claims, counterclaims, or defenses and supporting evidence.'' is corrected to read ''In its discretion or upon the request of any party, the presiding Officer may hold additional conferences, including to manage the conduct of the proceeding, address disputes between the parties, and engage in further discussion of the claims, counterclaims, or defenses and supporting evidence.''

§ 228.2 [Corrected]

■ 11. On page 30089, in the second column, in § 228.2, in paragraph (d), ''The claimant or counterclaimant may only challenge such determination to the extent permitted under 17 U.S.C. 1508€ or the procedures set forth in paragraph (e) of this section.'' is corrected to read ''The claimant or counterclaimant may only challenge such determination to the extent permitted under 17 U.S.C. 1508(c) or the procedures set forth in paragraph (e) of this section.''

§ 230.5 [Corrected]

■ 12. On page 30090, in the first column, in § 230.5, ''The Board will base its decision on the party's written submissions.'' is corrected to read ''The Board will base its decision on the parties' written submissions.''

§ 231.6 [Corrected]

■ 13. On page 30090, in the second and third column, in § 231.6, ''The Register will base such a decision on the party's written submissions.'' is corrected to read ''The Register will base such a decision on the parties' written submissions.''

Part 232 [Corrected]

■ 14. On page 30090, in the third column, amendatory instruction 20 and the part 232 table of contents are removed and amendatory instructions 20a and 20b are added in their place to read as follows:

PART 232—PARTY CONDUCT

■ 20a. The authority citation for part 232 continues to read as follows:

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

■ 20b. Sections 232.1 through 232.5 are added to read as follows:

Sec.
212.1 General.
232.2 Representations to the Board.
232.3 Bad-faith conduct.
232.4 Bar on initiating and participating in claims.
232.5 Legal counsel and authorized representative conduct.

* * * * *

§ 232.3 [Corrected]

■ 15. On page 30091, in the first column, in § 232.3, in paragraph (b)(2), ''A party that in good faith believes that a *participant* has engaged in *bad-faith conduct,* may file a request for a conference with the Board, describing the alleged bad-faith conduct and attaching any relevant exhibits.'' is corrected to read ''A party that in good faith believes that a *participant* has engaged in *bad-faith conduct* may file a request for a conference with the Board describing the alleged bad-faith conduct and attaching any relevant exhibits.''

§ 232.4 [Corrected]

■ 16. On page 30091, in the second column, in § 232.4, in paragraph (b)(2), ''A party that in good faith believes that a *participant* has engaged in *bad-faith conduct* before the Board on more than one occasion within a 12-month period, may file a request for a conference with the Board at any point after a proceeding has been initiated.'' is corrected to read ''A party that in good faith believes that a *participant* has engaged in *bad-faith conduct* before the Board on more than one occasion within a 12-month period may file a request for a conference with the Board at any point after a proceeding has been initiated.''

■ 17. On page 30091, in the second column, in § 232.4, in paragraph (c), ''An award of attorneys' fees or costs against an accused party, pursuant to § 232.3, within the prior 12 months shall establish an instance of *bad-faith conduct* within the requisite time period.'' is corrected to read ''An award of attorneys' fees or costs against an accused *participant,* pursuant to § 232.3, within the prior 12 months shall establish an instance of *bad-faith conduct* within the requisite time period.''

§ 233.2 [Corrected]

■ 18. On page 30092, in the second column, in § 233.2, in paragraph (a) introductory text, ''The number of Copyright Claims Board proceedings that may be filed by a claimant and the number of proceedings a solo practitioner or law firm may file on behalf of claimants in any 12-month period shall be limited in accordance with this section.'' is corrected to read ''The number of Copyright Claims Board proceedings that may be filed by a claimant and the number of proceedings that may be filed by legal counsel or law firms on behalf of claimants in any 12-month period shall be limited in accordance with this section.''

■ 19. On page 30092, in the second column, in § 233.2, in paragraph (a)(2), ''A sole practitioner shall file no more than 40 CCB proceedings on behalf of claimants in any 12-month period.'' is corrected to read ''A sole practitioner or a legal counsel associated with a law firm shall file no more than 40 CCB proceedings on behalf of claimants in any 12-month period.''

Dated: June 7, 2022.

Shira Perlmutter,

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

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2022–12899 Filed 6–14–22; 8:45 am]

BILLING CODE 1410–30–P

POSTAL SERVICE

39 CFR Part 20

International Mailing Services: Price Changes

AGENCY: Postal Service™.

ACTION: Final action.

SUMMARY: On April 6, 2022, the Postal Service published proposed price

changes to reflect a notice of price adjustments filed with the Postal Regulatory Commission (PRC). The PRC found that price adjustments contained in the Postal Service's notification may go into effect on July 10, 2022. The Postal Service will revise Notice 123, *Price List* to reflect the new prices.

DATES: Effective July 10, 2022.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy at 202–268–6592 or Kathy Frigo at 202–268–4178.

SUPPLEMENTARY INFORMATION:

I. Proposed Rule and Response

On April 6, 2022, the Postal Service filed a notice with the PRC in Docket No. R2022–1 of mailing services price adjustments to be effective on July 10, 2022. On April 14, 2022, USPS® published a notification of proposed price changes in the **Federal Register** entitled ''International Mailing Services: Proposed Price Changes'' (87 FR 22162). The notification included price changes that the Postal Service would adopt for services covered by *Mailing Standards of the United States Postal* Service, International Mail Manual (IMM®) and publish in Notice 123, *Price List,* on Postal Explorer® at *pe.usps.com.* The Postal Service received no comments.

II. Order of the Postal Regulatory Commission

In PRC Order No. 6188, issued on May 27, 2022, in PRC Docket No. R2022–1, the PRC found that the prices in the Postal Service's notification may go into effect on July 10, 2022. The new prices will accordingly be posted in Notice 123, *Price List* on Postal Explorer at *pe.usps.com.*

III. Summary of Changes

First-Class Mail International®

The price for a single-piece postcard will be $1.40 worldwide. The First-Class Mail International (FCMI) letter nonmachinable surcharge will increase to $0.39. The FCMI single-piece letter and flat prices will be as follows:

LETTERS

Weight not over (oz.)	Price groups			
	1	2	3–5	6–9
1	$1.40	$1.40	$1.40	$1.40
2	1.40	2.11	2.62	2.42
3	1.97	2.80	3.82	3.45
3.5	2.54	3.50	5.04	4.46

FLATS

Weight not over (oz.)	Price groups			
	1	2	3–5	6–9
1	$2.75	$2.75	$2.75	$2.75
2	3.03	3.60	3.90	3.85
3	3.29	4.40	5.03	4.91
4	3.52	5.23	6.18	5.98
5	3.78	6.05	7.31	7.05
6	4.03	6.86	8.44	8.13
7	4.29	7.69	9.58	9.19
8	4.54	8.50	10.70	10.26
12	5.80	10.26	12.98	12.48
15.994	7.05	12.03	15.25	14.68

International Extra Services and Fees

The Postal Service will increase prices for certain market-dominant international extra services as noted:

- *Certificate of Mailing service:* Fees for certificate of mailing service for First-Class Mail International will increase as follows:

CERTIFICATE OF MAILING

	Fee
Individual pieces:	
Individual article (PS Form 3817) First-Class Mail International only	$1.75
Duplicate copy of PS Form 3817 or PS Form 3665 (per page) First-Class Mail International only	1.75
Firm mailing sheet (PS Form 3665), per piece (minimum 3) First-Class Mail International only	0.50
Bulk quantities:	
For first 1,000 pieces (or fraction thereof) First-Class Mail International only	9.95
Each additional 1,000 pieces (or fraction thereof) First-Class Mail International only	1.30
Duplicate copy of PS Form 3606 First-Class Mail International only	1.75

- *Registered Mail® service:* The price for international Registered Mail service for First-Class Mail International will increase to $18.25.

- *Return Receipt service:* The price for international return receipt service

for First-Class Mail International will increase to $5.05.

▪ *Customs Clearance and Delivery Fee:* The Customs Clearance and Delivery Fee per dutiable item for Inbound Letter Post letters and flats will increase to $7.50.

▪ *International Business Reply™ service (IBRS):* The price for IBRS cards will increase to $1.90, and the price for IBRS envelopes (up to 2 ounces) will increase to $2.40.

New prices will be listed in the updated Notice 123, Price List.

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–12845 Filed 6–14–22; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0663; FRL–9875–01–OCSPP]

5-Decyne-4,7-Diol, 2,4,7,9-Tetramethyl- and 6-Dodecyne-5,8-Diol, 2,5,8,11-Tetramethyl-; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 5-decyne-4,7-diol, 2,4,7,9-tetramethyl- (CAS Reg. No. 126–86–3), herein referred to as TMDD, and 6-dodecyne-5,8-diol, 2,5,8,11-tetramethyl- (CAS Reg. No. 68227–33–8), herein referred to as TMDDD, when used as inert ingredients (surfactants, related adjuvant of surfactants and carriers) in pesticide formulations applied to growing crops pre- and post-harvest, and applied in/on animals. Spring Trading Company (new name Spring Regulatory Sciences) on behalf of Evonik Corp., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the establishment of exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of TMDD and TMDDD.

DATES: This regulation is effectiveJune 15, 2022. Objections and requests for hearings must be received on or before August 15, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0663, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services, docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echevarria, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0663 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 15, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0663, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/contacts.html.*

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

II. Petition for Exemption

In the **Federal Register** of March 12, 2018 (83 FR 12311) (FRL–9974–76), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11077) by Spring Regulatory Sciences, 6620 Cypresswood Dr, Suite 250, Spring, TX 77379 on behalf of Evonik Corp., P.O. Box 34628, Richmond, VA 23234. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of TMDD (CAS Reg. No. 126–86–3) and TMDDD (CAS Reg. No. 68227–33–8) when used as inert ingredients (surfactants, related adjuvant of surfactants and carriers) in pesticide formulations applied to growing crops pre- and post-harvest and applied in/on animals under 40 CFR

180.930. That document referenced a summary of the petition prepared by Spring Regulatory Sciences on behalf of Evonik Corp., the petitioner, which is available in the docket via *https://www.regulations.gov.* There were no relevant comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for TMDD and TMDDD including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with TMDD and TMDDD follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by TMDD and TMDDD as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

TMDD and TMDDD are being assessed together because there is only a difference in carbon chain length between the two surfactants. Therefore, based on structure similarity, the toxicity profile is expected to be similar for TMDD and TMDDD.

Acute toxicity studies were available for both chemicals. TMDD exhibits moderate acute oral toxicity with the rat acute oral lethal dose (LD_{50}) being greater than 500 mg/kg. TMDDD exhibits low acute oral toxicity with the rat acute oral LD_{50} being greater than 5,000 mg/kg. Dermal toxicity is moderate in rabbits for both chemicals, as the LD_{50} is greater than 1,000 mg/kg, the highest dose tested. Acute toxicity via inhalation is low. Both have a lethal concentration (LC_{50}) > 20 mg/L. The chemicals are both highly irritating to the eyes and slightly irritating to the skin of rabbits. TMDD is not a skin sensitizer. The results for skin sensitization are equivocal for TMDDD.

Based on the available repeated-dose data on TMDD and TMDDD, the central nervous system is a major target organ, with convulsions, tremors, paralysis and/or incoordination seen in dogs at 250 mg/kg/day following treatment for 91 days via capsule. The liver is also a target organ, with hepatocellular swelling observed in the one-generation reproduction toxicity study in rats but these effects were observed only at the limit dose (1,000 mg/kg/day). Additionally, non-specific effects (decreased body weights) were observed in offspring in the one-generation reproduction toxicity study, but these occurred at the same doses in which maternal toxicity was observed.

No mutagenicity, genotoxicity or chromosomal aberrations are seen in a battery of mutagenicity tests with TMDD and TMDDD. Both chemicals were negative in the Ames test, chromosome aberration test and mouse lymphoma assay.

Neurotoxicity studies are not available for review. Convulsions, tremors, paralysis and/or incoordination were observed at 250 mg/kg/day in dogs in a 91-day oral toxicity study via gavage. However, a clear NOAEL was established for these effects and the chronic population adjusted dose (cPAD) of 2 mg/kg/day is based on this study. Therefore, there is no concern for neurotoxicity.

Immunotoxicity toxicity studies are not available for review. However, no evidence of immunotoxicity is seen in the available studies.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern (LOCs) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which NOAEL and the LOAEL Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe

margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticides/factsheets/riskassess.htm.*

No acute endpoint was identified; therefore, an acute assessment is not necessary. The 91-day oral study in dogs was selected for chronic dietary exposure as well as incidental oral, dermal and inhalation exposure scenarios. In this study, convulsions, tremors, paralysis and/or incoordination were observed at 250 mg/kg/day. This represents the lowest NOAEL in the database in the most sensitive species. The standard uncertainty factors (UFs) were applied to account for interspecies (10x) and intraspecies (10x) variations. The default value of 100% was used for the dermal and inhalation absorption factors.

C. Exposure Assessment

1. *Dietary exposure.* In evaluating dietary exposure to TMDD and TMDDD, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from TMDD and TMDDD in food as follows:

An acute dietary assessment was not performed due to the lack of adverse effects attributed to a single dietary exposure seen in the toxicity databases.

In conducting the chronic dietary exposure assessment using the Dietary Exposure Evaluation Model DEEM–FCIDTM, Version 4.02, EPA used food consumption information from the U.S. Department of Agriculture's (USDA's) 2005–2010 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, no residue data were submitted for TMDD and TMDDD. In the absence of specific residue data, EPA has developed an approach which uses surrogate information to derive upper bound exposure estimates for the subject inert ingredient. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high use insecticides, herbicides, and fungicides. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Update to D361707: Dietary Exposure and Risk Assessments for the Inerts.'' (12/21/2021) and can be found at *https://www.regulations.gov* in docket ID number EPA–HQ–OPP–2018–0090.

In the dietary exposure assessment, the Agency assumed that the residue level of the inert ingredient would be no higher than the highest tolerance for a given commodity. Implicit in this assumption is that there would be similar rates of degradation (if any) between the active and inert ingredient and that the concentration of inert ingredient in the scenarios leading to these highest levels of tolerances would be no higher than the concentration of the active ingredient.

The Agency believes the assumptions used to estimate dietary exposures lead to an extremely conservative assessment of dietary risk due to a series of compounded conservatisms.

First, assuming that the level of residue for an inert ingredient is equal to the level of residue for the active ingredient will overstate exposure. The concentrations of active ingredient in agricultural products are generally at least 50 percent of the product and often can be much higher. Further, pesticide products rarely have a single inert ingredient; rather there is generally a combination of different inert ingredients used which additionally reduces the concentration of any single inert ingredient in the pesticide product in relation to that of the active ingredient.

Second, the conservatism of this methodology is compounded by EPA's decision to assume that, for each commodity, the active ingredient which will serve as a guide to the potential level of inert ingredient residues is the active ingredient with the highest tolerance level. This assumption overstates residue values because it would be highly unlikely, given the high number of inert ingredients, that a single inert ingredient or class of ingredients would be present at the level of the active ingredient in the highest tolerance for every commodity.

Finally, a third compounding conservatism is EPA's assumption that all foods contain the inert ingredient at the highest tolerance level. In other words, EPA assumed 100 percent of all foods are treated with the inert ingredient at the rate and manner necessary to produce the highest residue legally possible for an active ingredient. In summary, EPA chose a very conservative method for estimating what level of inert residue could be on food, then used this methodology to choose the highest possible residue that could be found on food and assumed that all food contained this residue. No consideration was given to potential degradation between harvest and consumption even though monitoring data shows that tolerance level residues are typically one to two orders of magnitude higher than actual residues in food when distributed in commerce.

Accordingly, although sufficient information to quantify actual residue levels in food is not available, the compounding of these conservative assumptions will lead to a significant exaggeration of actual exposures. EPA does not believe that this approach underestimates exposure in the absence of residue data.

For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for TMDD and TMDDD, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for chronic dietary risk assessments for TMDD and TMDDD. The exposure for food and water utilized 14.2% and 51.5% of the cPAD (2.00 mg/kg/day) for the U.S. population and children 1 to 2 years old, respectively.

2. *Residential exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). TMDD and TMDDD may be used as inert ingredients in pesticide products that are registered for specific uses that may result in residential exposure. A conservative residential exposure and risk assessments were completed for pesticide products containing TMDD and TMDDD as inert ingredients. The Agency assessed pesticide products containing TMDD and TMDDD using exposure scenarios used by OPP to represent conservative residential handler exposure. Further details of this residential exposure and risk analysis can be found at *https://www.regulations.gov* in the memorandum entitled: ''JITF Inert Ingredients. Residential and Occupational Exposure Assessment Algorithms and Assumptions Appendix for the Human Health Risk Assessments to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide Formulations,'' (D364751, 5/7/09, Lloyd/LaMay in docket ID number EPA–HQ–OPP–2008–0710).

For residential handler short-term exposure scenarios, MOEs ranged from 230 to 33,000 and are not of concern (*i.e.,* MOEs are >100). Residential handler intermediate-term and long-term exposures are not expected

because applications are not expected to occur daily or for more than 30 days. For residential post-application exposure scenarios (short- and intermediate-term), MOEs ranged from 510 to 13,000,000 and are not of concern (*i.e.,* MOEs are >100).

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to TMDD and TMDDD and any other substances because TMDD and TMDDD do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that TMDD and TMDDD do not have a common mechanism of toxicity with other substances.

For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

In general. Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

The Agency has concluded that there is reliable data to determine that infants and children will be safe if the FQPA SF of 10x is reduced to 1X for all exposure scenarios for the following reasons. The toxicity database for TMDD and TMDDD contain a combined repeated dose toxicity study with the reproduction/developmental toxicity screening test, a one-generation reproduction toxicity and mutagenicity studies. No fetal susceptibility is observed in either the combined repeated dose toxicity study with the reproduction/developmental toxicity screening test or in the 1-generation reproduction toxicity study in rats. Offspring toxicity (decreased body weights at weaning and lactation) is seen in the one-generation reproduction toxicity study only at the same dose as maternal toxicity (hepatocellular swelling), 1,000 mg/kg/day. No reproduction toxicity is seen in the available studies. Convulsions, tremors, paralysis and/or incoordination were observed at 250 mg/kg/day in dogs in a 91-day oral toxicity study. However, a clear NOAEL was established for these effects and the selected POD is based on this study. Therefore, there is no concern for neurotoxicity. Based on the adequacy of the toxicity database, the conservative nature of the exposure assessment and the lack of concern for prenatal and postnatal sensitivity, the Agency has concluded that there is reliable data to determine that infants and children will be safe if the FQPA SF of 10X is reduced to 1X.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, TMDD and TMDDD are not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to TMDD and TMDDD from food and water will utilize 51.5% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

TMDD and TMDDD are currently used as inert ingredients in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to TMDD and TMDDD.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 149 for adults. Adult residential exposure combines high end dermal and inhalation handler exposure from liquids/trigger sprayer/home garden with a high-end post application dermal exposure from contact with treated lawns. For children, the aggregate MOE is 141. Children's residential exposure includes total exposures associated with contact with treated lawns (dermal and hand-to-mouth exposures). Because EPA's level of concern for TMDD and TMDDD are MOEs below 100, the calculated MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

TMDD and TMDDD are currently used as inert ingredients in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to TMDD and TMDDD.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs of 592 for adults. Adult residential exposure includes high end post application dermal exposure from contact with treated lawns. For children the aggregate MOE is 170. Children's residential exposure includes total exposures associated with contact with treated lawns (dermal and hand-to-mouth exposures). Because EPA's level of concern for TMDD and TMDDD are MOEs below 100, the calculated MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* EPA has not identified any concerns for carcinogenicity relating to TMDD and TMDDD. TMDD and

TMDDD are not expected to pose a cancer risk to humans; therefore, a cancer aggregate assessment was not conducted.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to TMDD and TMDDD residues.

V. Other Considerations

Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of TMDD and TMDDD in or on any food commodities.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for residues of TMDD and TMDDD when used as inert ingredients (surfactants, related adjuvant of surfactants and carriers) in pesticide formulations applied in/on growing crops pre- and post-harvest and applied in/on animals under 40 CFR 180.930.

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the National Government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: June 9, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, amend Table 1 to 180.910, by adding in alphabetical order, the entries for ''5-decyne-4,7-diol, 2,4,7,9-tetramethyl- (CAS Reg. No. 126–86–3)'' and ''6-dodecyne-5,8-diol, 2,5,8,11-tetramethyl- (CAS Reg. No. 68227–33–8)'' to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.910

Inert ingredients	Limits	Uses
*	*	*
5-decyne-4,7-diol, 2,4,7,9-tetramethyl- (CAS Reg. No. 126–86–3)	.....	surfactant, related adjuvant of surfactants and carriers.
6-dodecyne-5,8-diol, 2,5,8,11-tetramethyl- (CAS Reg. No. 68227–33–8)	.....	surfactant, related adjuvant of surfactants and carriers.
*	*	*

■ 3. In § 180.930, amend Table 1 to 180.930, by adding in alphabetical order, the entries for ''5-decyne-4,7-diol, 2,4,7,9-tetramethyl- (CAS Reg. No. 126–86–3)'' and ''6-dodecyne-5,8-diol, 2,5,8,11-tetramethyl- (CAS Reg. No. 68227–33–8)'' to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.930

Inert ingredients	Limits	Uses
*	*	*
5-decyne-4,7-diol, 2,4,7,9-tetramethyl- (CAS Reg. No. 126–86–3)	.....	surfactant, related adjuvant of surfactants and carriers.
6-dodecyne-5,8-diol, 2,5,8,11-tetramethyl- (CAS Reg. No. 68227–33–8)	.....	surfactant, related adjuvant of surfactants and carriers.
*	*	*

[FR Doc. 2022–12878 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0188; FRL–9858–01–OCSPP]

IN–11669: Cellulose, Ethyl 2-Hydroxyethyl Ether; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of cellulose, ethyl 2-hydroxyethyl ether (CAS Reg. No. 9004–58–4), when used as an inert ingredient in a pesticide chemical formulation. Spring Regulatory Sciences, on behalf of Nouryon Chemicals LLC USA, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of cellulose, ethyl 2-hydroxyethyl ether, on food or feed commodities.

DATES: This regulation is effective June 15, 2022. Objections and requests for hearings must be received on or before August 15, 2022 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0188, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services, docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to ae?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
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B. How can I get electronic access to other related information?

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Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2022–0188 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 15, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2022–0188, by one of the following methods.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/contacts.html.*

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

II. Background and Statutory Findings

In the **Federal Register** of March 22, 2022 (87 FR 16133) (FRL–9410–11), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11669) filed by Spring Regulatory Sciences (6620 Cypresswood Dr, Suite 250, Spring, TX 77379), on behalf of Nouryon Chemicals LLC USA (131 S Dearborn, Suite 1000, Chicago, IL 60603–5566). The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of cellulose, ethyl 2-hydroxyethyl ether (CAS Reg. No. 9004–58–4), with a minimum number average molecular weight of 165,000 Daltons. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any public comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. To determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Cellulose, ethyl 2-hydroxyethyl ether, with a minimum number average molecular weight 165,000 Daltons, conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize: Adequate biodegradation studies (MRID 51481301) were submitted for cellulose, ethyl 2-hydroxyethyl ether, with a minimum number average molecular weight 165,000 Daltons, showing lack of biodegradation.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 Daltons. While the polymer has a MW of 165,000 Daltons, it does not absorb its weight of water under relative humidity conditions found in the United States (up to 80% relative humidity) (MRID 51920601).

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as listed in 40 CFR 723.250(d)(6)

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

The polymer's number average molecular weight (MW) of 165,000 Daltons is greater than 10,000 Daltons. However, the polymer contains less than 2% oligomeric material below MW 500 (<0.4%) and less than 5% oligomeric material below MW 1,000 (<0.4%).

Thus, cellulose, ethyl 2-hydroxyethyl ether meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to cellulose, ethyl 2-hydroxyethyl ether.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that cellulose, ethyl 2-hydroxyethyl ether could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The minimum number average MW of cellulose, ethyl 2-hydroxyethyl ether is 165,000 Daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since cellulose, ethyl 2-hydroxyethyl ether conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether

to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found cellulose, ethyl 2-hydroxyethyl ether to share a common mechanism of toxicity with any other substances, and cellulose, ethyl 2-hydroxyethyl ether does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cellulose, ethyl 2-hydroxyethyl ether does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of cellulose, ethyl 2-hydroxyethyl ether, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of cellulose, ethyl 2-hydroxyethyl ether.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for cellulose, ethyl 2-hydroxyethyl ether.

IX. Conclusion

Accordingly, EPA finds that exempting residues of cellulose, ethyl 2-hydroxyethyl ether from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

XI. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 9, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, add in alphabetical order the polymer ''Cellulose, ethyl 2-hydroxyethyl ether, minimum number average molecular weight (in amu), 165,000 Daltons'' to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.960

Polymer	CAS No.
* * * * * * *	
Cellulose, ethyl 2-hydroxyethyl ether, minimum number average molecular weight (in amu), 165,000 Daltons	9004–58–4
* * * * * * *	

[FR Doc. 2022–12879 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0453; FRL–9816–01–OCSPP]

Thiamethoxam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of thiamethoxam in or on pineapples. Syngenta Crop Protection, LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 15, 2022. Objections and requests for hearings must be received on or before August 15, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0453, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and for the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the **Federal Register**'s e-CFR site at *https://www.ecfr.gov/current/title-40.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0453 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 15, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0453, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 24, 2021 (86 FR 47275) (FRL–8792–02–

OCSPP) EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1E8908) by Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300. The petition requested to establish a tolerance in 40 CFR part 180.565 for residues of the insecticide, Thiamethoxam {3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine} and its metabolite [N-(2-chloro-thiazol-5-ylmethyl)-N′-methyl-N′-nitro-guanidine], in or on pineapple at 0.03 parts per million (ppm) and 0.05 ppm for pineapple, process residue. That document referenced a summary of the petition prepared by Syngenta, the petitioner, which is available in the docket, *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing the tolerances at different levels than requested. The reason for these changes is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Tolerances for residues of thiamethoxam are listed in 40 CFR 180.565 and are expressed in terms of the combined residues of the insecticide thiamethoxam and its metabolite CGA–322704. Metabolite CGA–322704 is also the registered active ingredient clothianidin (tolerance listings in 40 CFR 180.586). Clothianidin (hereinafter referred to as CGA–322704) has a complete toxicological database and appears to have effects in mammals that are different from those of thiamethoxam. A separate risk assessment that addresses risks from CGA–322704 residues resulting from the direct application of CGA–322704 (clothianidin), as well as risks from residues of CGA–322704 coming from thiamethoxam uses has been conducted, and there are no risk estimates of concern as a result of the proposed tolerance for thiamethoxam residues in imported pineapple. This document entitled, ''Clothianidin. Human Health Risk Assessment to Address Exposure Associated with a New Tolerance for Thiamethoxam'' can be found at *https://www.regulations.gov* in docket ID number EPA–HQ–OPP–2021–0453.

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for thiamethoxam including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with thiamethoxam follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemaking, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for thiamethoxam, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to thiamethoxam and established tolerances for residues of that chemical. EPA is incorporating previously published sections from that rulemaking as described further in this rulemaking, as they remain unchanged.

A. Toxicological Profile

For a discussion of the Toxicological Profile of thiamethoxam, see Unit III.A. of the thiamethoxam tolerance rulemaking published in the **Federal Register** of February 15, 2017 (82 FR 10712) (FRL–9957–00).

B. Toxicological Points of Departure/Levels of Concern

For a summary of the Toxicological Points of Departure/Levels of Concern for thiamethoxam used for human risk assessment, see Unit III.B. of the February 15, 2017, thiamethoxam tolerance rulemaking.

C. Exposure Assessment

Much of the exposure assessment remains the same although updates have occurred to accommodate exposures from the petitioned-for tolerances. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, please reference Unit III.C. of the February 15, 2017, rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposure from the new use of thiamethoxam on imported pineapple. The acute assessment is based on tolerance-level residues and assumes 100 percent crop treated (PCT); the acute assessment is unrefined. The chronic assessment is based on average residues from crop field trials (except for tolerance-level residues in pineapple commodities) and assumes 100 PCT; the chronic assessment is partially refined. The assessments were conducted using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 4.02. EPA with 2005–2010 food consumption information from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA).

Anticipated residue and PCT information. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Drinking water exposure. EPA has revised the thiamethoxam drinking water assessment since the February 15,

2017, final rule. Based on the Pesticide in Water Calculator's (PWC) version 1.52, the estimated drinking water concentrations (EDWCs) of thiamethoxam in groundwater are 65 parts per billion (ppb) for acute exposures and 58 ppm for chronic exposures. Groundwater EDWCs were used in the dietary assessment for all sources of drinking water.

Cumulative exposure. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' In 2016, EPA's Office of Pesticide Programs released a guidance document entitled ''Pesticide Cumulative Risk Assessment: Framework for Screening Analysis.'' The Agency has utilized this framework for thiamethoxam and determined that thiamethoxam along with clothianidin, acetamiprid, dinotefuran, imidacloprid, nithiazine and thiacloprid form a candidate common mechanism group (CMG). This group of pesticides, referred to as neonicotinoids, is considered a candidate CMG because they share characteristics to support a testable hypothesis for a common mechanism of action for neonicotinoids.

Following this determination, the Agency conducted a screening-level cumulative risk assessment consistent with the 2016 guidance document. The current screening assessment indicates that cumulative risk estimates for neonicotinoids are below the Agency's levels of concern. A detailed description of the cumulative screening assessment can be found in the Neonicotinoid Cumulative Screening Risk Assessment Memo (M. Perron *et al.,* DP460743, 3/01/2021). No further cumulative evaluation is necessary for thiamethoxam.

D. Safety Factor for Infants and Children

EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the February 15, 2017, rulemaking for a discussion of the Agency's rationale for that determination.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are 12% of the aPAD for children 1 to 2 years old, the population subgroup with the highest exposure. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 73% of the cPAD for children 1 to 2 years old, the population subgroup with the highest exposure.

EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 130 for adults, 160 for children older than 6 years old, and 340 for children less than 6 years old. Because EPA's level of concern for thiamethoxam is an MOE of 100 or below, short-term aggregate risks are not of concern. Because there is no intermediate-term expected residential exposure, the intermediate-term risk has not been assessed. Dietary exposure is the only relevant route of exposure for chronic durations; therefore, the chronic dietary risk is the same as the overall aggregate risk for thiamethoxam and is not of concern. Thiamethoxam is classified as ''Not likely to be carcinogenic to humans''; therefore, EPA does not expect thiamethoxam exposures to pose an aggregate cancer risk.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to thiamethoxam residues. More detailed information on this action can be found in the document entitled, ''Thiamethoxam. Human Health Risk Assessment for Use on Imported Pineapple'' in the docket ID number, EPA–HQ–OPP–2021–0453.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the February 15, 2017, rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

Codex has established an MRL for thiamethoxam in pineapple at 0.01 mg/kg which is different than the U.S. tolerance. At this time, the Codex and EPA residue definitions are different (Codex's MRL is for the parent compound, thiamethoxam only, while EPA's is thiamethoxam plus metabolite CGA–322704); therefore, it is not possible to harmonize with the Codex MRL.

C. Revisions to Petitioned-For Tolerances

The tolerance on pineapple is being set at 0.04 ppm and pineapple, process residue at 0.06 ppm instead of the proposed levels of 0.03 and 0.05, respectively. The petitioner used only thiamethoxam residues as inputs for the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedure. Using both thiamethoxam and its metabolite CGA–322704 for the input data set results in recommended tolerances of 0.04 ppm for pineapple and 0.06 ppm for pineapple, process residue.

V. Conclusion

Therefore, a tolerance is established for residues of thiamethoxam, including its metabolites and degradates, in or on pineapple at 0.04 ppm and in or on pineapple, process residue at 0.06 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), or to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special

considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides, and pests, Reporting and recordkeeping requirements.

Dated: June 9, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter 1 as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.565, amend paragraph (a) by designating the table as ''Table 1 to Paragraph (a)'' and adding in alphabetical order the entries ''Pineapple [1]'' and ''Pineapple, process residue [1]'' to read as follows:

§ 180.565 Thiamethoxam; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Pineapple [1]	0.04
* * * * *	
Pineapple, process residue [1]	0.06
* * * *	

[1] There are no U.S. registrations for these commodities as of June 15, 2022.

* * * * *

[FR Doc. 2022–12880 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2021–0389; FRL–9917–03–R5]

Michigan: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Michigan final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on December 13, 2021 and provided for public comment. One comment was submitted by the State of Michigan in which the State identified a rule that was part of their application for authorization that was not addressed in the proposed authorization. EPA acknowledges this oversight and will address this rule in a future action.

DATES: This final authorization is effective June 15, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2021–0389. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Angela Mullins, RCRA C&D Section, Land, Chemicals, and Redevelopment Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LL–17J, Chicago, IL 60604. Angela Mullins can be reached by telephone at (312) 886–4237 or via email at *mullins.angela@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to Michigan's hazardous waste program is EPA authorizing with this action?

On March 15, 2021, Michigan submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Michigan's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the December 13, 2021, **Federal Register** at Michigan: Proposed Authorization of State Hazardous Waste Program Revisions (86 FR 70790, December 13, 2021).

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

Codification is the process of placing citations and references to the State's

statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Michigan's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart X for the authorization of Michigan's program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Michigan's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the December 13, 2021, **Federal Register** at Michigan: Proposed Authorization of State Hazardous Waste Program Revisions (86 FR 70790, December 13, 2021). The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final action is effective June 15, 2022.

List of Subjects in 40 CFR Part 271

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

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

Dated: June 2, 2022.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2022–12902 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 87, No. 115
Wednesday, June 15, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 38, 121, and 125

[Docket No.: FAA–2022–0241; Notice No. 22–03]

RIN 2120–AL54

Airplane Fuel Efficiency Certification

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes fuel efficiency requirements for certification of certain airplanes. These certification requirements would implement the emissions standards adopted by the Environmental Protection Agency, allowing manufacturers to certificate their aircraft for fuel efficiency in the United States, and fulfilling the statutory obligations of the FAA under the Clean Air Act.

DATES: Send comments on or before August 15, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0241 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *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: For technical questions concerning this action, contact Ralph Iovinelli, Office of Policy, International Affairs & Environment, Emissions Division (AEE–300), Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–3566; email *ralph.iovinelli@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

The authority to insure compliance with aviation emission standards adopted by the United States Environmental Protection Agency (EPA) is granted to the Secretary of Transportation in the Clean Air Act Amendments of 1970 (CAA), title 42 of the United States Code (U.S.C.), Chapter 85, Subchapter II, part B, Section 7572. Further, 49 CFR 1.83(c) delegates to the FAA Administrator the authority to ''Carry out the functions vested in the Secretary by part B of title II of the CAA.''

This rulemaking proposes regulations to insure compliance with the standards adopted by the EPA under the CAA in 40 CFR part 1030 to control the emission of certain greenhouse gas emissions from airplanes. This rulemaking is issued under the authority described in 42 U.S.C. 7572 and 49 CFR 1.83(c).

I. Background

As a signatory State to the International Civil Aviation Organization's (ICAO) Chicago Convention, the United States must establish minimum standards consistent with ICAO or file a difference. The Committee on Aviation Environmental Protection (CAEP) is a technical committee of ICAO that assists in formulating ICAO policy and in adopting Standards and Recommended Practices related to aircraft noise and emissions. The FAA represents the United States on CAEP, attending annual Steering Group meetings and CAEP triennial meetings, and contributing technical expertise to CAEP's many working groups. The EPA serves as an advisor to the U.S. member of CAEP at the annual and triennial meetings, and contributes technical expertise to the FAA and CAEP's working groups on aviation emissions, pollution control technology, and environmental policy. Within CAEP, the FAA assists and advises the EPA on aviation-specific environmental issues, airplane and engine technologies, and airworthiness certification matters.

In 2009, the ICAO Council and its Group on International Aviation and Climate Change (GIACC) developed a ''Programme of Action'' to limit or reduce the impact of aviation on the climate. The program's ''basket of measures'' included the reduction of the carbon footprint of international civil aviation, beginning with the development of a technology-based certification standard for carbon dioxide (CO_2) emissions from subsonic airplanes.

The CO_2 standard-setting process included input from governments, aircraft and engine manufacturers, non-governmental environmental organizations, research institutions, and academics worldwide. The standard-setting process occurred in two 3-year phases. The first phase focused on the development of the CO_2 certification requirement (a CO_2 metric, test procedures, and measurement methodology). The second phase focused on the development of the CO_2 standard itself (establishing regulatory limits, applicability, and assessments of cost effectiveness). The principles and key criteria that guided the process included the concepts that:

—No certification requirement compromise aircraft safety;
—Airplane CO_2 emissions be reduced through the integration of fuel

efficient technologies in airplane type designs;
—Airplanes that incorporate differing generations of CO_2 reduction technologies be treated fairly and equitably;
—Any standard be independent of airplane size, purpose or utilization;
—The metric be robust and minimize unintended airplane and system design consequences;
—Any standard should use industry standard practices of measurement and correction; and
—The implementation of any standard reflects a manageable and appropriate level of resources to be expended by national airworthiness authorities and manufacturers.

In February 2016, CAEP agreed on a new CO_2 emission standard for certain airplanes. It was adopted by ICAO in March 2017 as Annex 16, Volume III.[1]

In the United States, the CAA directs the U.S. EPA to adopt standards applicable to the emission of any air pollutant from any class of aircraft engines. The CAA also directs the Secretary of Transportation (and by delegation, the Administrator of the FAA) to implement the standards adopted by the EPA, which takes place by the adoption of regulations in title 14 of the Code of Federal Regulations (CFR) that allow the certification of aircraft and aircraft engines to the EPA standard.

On January 11, 2021, the EPA published a final rule[2] adopting new domestic airplane greenhouse gas (GHG) emissions standards in new 40 CFR part 1030. In accordance with the CAA, the FAA is proposing new certification regulations for certain airplanes to insure compliance with those standards. The applicability of these proposed regulations and the regulatory emissions limits in the United States are the same as those adopted by ICAO as its airplane CO_2 emission standard.

The FAA, EPA and ICAO each use different terminology to reference the same standards. In Annex 16 volume III, ICAO references its standard as CO_2 emissions because the amount of CO_2 emitted is directly proportional to the amount of fuel burned by an airplane at cruise speed and altitude. It is a commonly used term that fits well within ICAO's international goals to reduce the carbon footprint of aviation. The EPA rule references GHGs in recognition of airplane emissions of CO_2 and another GHG, nitrous oxide (N_2O). The EPA did not set limits on N_2O emissions, noting that they are small and are proportionally reduced as CO_2 is reduced. The FAA describes these same limits and procedures as measures of fuel efficiency since this proposed rule prescribes a measurement of aircraft performance determined by the specific air range (SAR) parameter to determine fuel efficiency. The three concepts—FAA's proposed fuel efficiency, the EPA's GHG emissions, and ICAO's CO_2 emissions—are to be considered equivalent for purposes of implementation. The FAA is also making draft guidance material for part 38 available at the same time as this proposed rule, and has placed that draft Advisory Circular in the docket for comment.

II. Discussion of the Proposal

Since this document proposes an entire new part in 14 CFR, the word ''proposed'' has been eliminated throughout this preamble when referencing material for part 38 or its appendix. The term remains when discussing material that proposes to amend other parts of 14 CFR.

A. General

Since the CAA vests authority to regulate airplane emissions with both the EPA and the FAA, the regulations adopted by each agency bear a particular relationship to each other. In January 2021, the EPA adopted regulations limiting the GHG emissions from certain airplanes in 40 CFR part 1030. The emission standard described by the FAA here as new 14 CFR part 38 is intended to be the same as that adopted by the EPA. In the event that the EPA changes the standard in 40 CFR part 1030, and until part 38 is amended with the same change, a certification applicant may request a waiver of those provisions as they appear in part 38 and instead comply with 40 CFR part 1030 (see § 38.9 (Relationship to other regulations)).

The FAA is including a definitions section as § 38.3 that includes terms specific to fuel efficiency certification. The term that may be less familiar is Maximum Take Off Mass (MTOM), which is the international standard term for aircraft weight expressed in kilograms. Terms that are used in 40 CFR part 1030 will carry the same meaning when used in part 38, unless otherwise defined in part 38 (see § 38.3 (Definitions)). The FAA has followed this process for changes to the aircraft engine emissions standards adopted in 14 CFR part 34, which were also promulgated under the CAA paradigm. Finally, § 38.7 (Reserved) will list the materials to be incorporated by reference into part 38 when those materials are determined.

As developed by ICAO, the standard adopted by the EPA includes three occasions at which an airplane becomes subject to the GHG standards. These same applicability points are proposed here: at new type certification, the manufacture of any covered airplane after January 1, 2028, and when an airplane modification that triggers the criteria is made. While all three are contained in the applicability criteria of § 38.1, the change criteria are also described in further detail in § 38.19.

B. Applicability (§ 38.1)

Section 38.1 describes the airplanes subject to the rule. Although the ICAO standard on which these regulations are based was effective January 1, 2020, the effective date of the EPA regulation implementing the standard is January 11, 2021. Except for the effective date, the EPA and FAA regulations are intended to have the same applicability as ICAO's standard. The difference in effective dates between the ICAO and EPA standards had no practical effect in the United States. In the twelve months between the effective date of the ICAO standard and the effective date of the EPA standards, the FAA received no applications for type certification for any applicable airplane type. While the emission standard is now applicable in the United States through 40 CFR part 1030, the FAA is not aware of any new airplane model for which a type certification application would be submitted before the certification regulations here are expected to be adopted. Once an airplane is type-certificated for fuel efficiency in accordance with this rule, all airplanes produced under that type certificate must comply with the fuel efficiency requirements.

In reviewing the EPA standard as part of the development of this rule, the FAA determined that the difference between applicability statements in ICAO's Standards and Recommended Practices and those in the EPA and FAA regulations resulted in certain airplanes being omitted from the EPA applicability section. Those airplanes are described in § 38.1(a)(1)(iv)–(vi). The airplanes would have a maximum takeoff mass (MTOM) of more than 60,000 kg and be type-certificated for a maximum passenger seating capacity of

[1] Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume III, *Aeroplane CO_2 Emissions,* First Edition, July 2017. *https://store.icao.int/collections/annex-16-environmental-protection/products/annex-16-environmental-protection-volume-iii-aeroplane-co2-emissions.*

[2] 86 FR 2136–2174, Final Rule, 40 CFR parts 87 and 1030, *Control of Air Pollution from Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures,* Environmental Protection Agency.

19 seats or fewer. The FAA has advised the EPA of this finding and of the inclusion of the airplanes in part 38 applicability.

An airplane that was type-certificated before the applicable compliance date listed in § 38.1 may be required to demonstrate compliance with the fuel efficiency standard if certain modifications to the airplane that, in general, would affect the fuel efficiency of the airplane, are incorporated after January 1, 2023 (§ 38.1(a)(4) and (5)). Changes to airplanes and the effect of those changes on compliance with the fuel efficiency regulations are discussed more fully in the section on change criteria (section G.) below.

Included in the applicability section is the requirement that all covered airplanes manufactured after January 1, 2028, regardless of the date of type certification, would have to meet the fuel efficiency requirements of part 38. Airplanes manufactured after that date would not be eligible for an original certificate of airworthiness unless compliance with part 38 has been shown. This manufacturing cutoff date effectively places a cutoff on the period during which an airplane not previously certificated for fuel efficiency might become subject to the requirement by introducing a modification, as described in the section below on change criteria.

The applicability section of part 38 is particularly complex and examples of the effect of this part on selected popular operational categories of airplanes is summarized in table 1 below.

TABLE 1—QUICK REFERENCE FOR APPLICABILITY

Individual airplane status	Applicability today	Applicability when modified	Effective dates for applicability of part 38	Fuel efficiency metric (FEM) limit	Note
In service, and type is no longer being produced EX: 757.	None	none	none	none	May voluntarily apply to establish an FEM value. Status would only change if a new airplane is produced.
In service, and new airplanes still being produced EX: 737 MAX 8.	None	Must comply with the in-production limit if: (1) produced after 1/1/2023 and (2) includes a modification that changes the FEM value (§ 38.19(c)).	1/1/2023 for modified airplanes § 38.1(a)(4)–(5). 1/1/2028 for all new production § 38.1(a)(6)–(7).	In-production limit § 38.17(a)(5)–(8).	[intentionally left blank]
New Type: large jet airplanes and propeller-driven airplanes produced under new type certificates applied for after 1/11/2021.	§ 38.1(a)(1) and (3).	All airplanes; New certification required if triggered by change criteria (§ 38.19(a)).	1/11/2021	New type limit § 38.17(a)(1)–(4).	[intentionally left blank]
New Type: small airplanes produced under new type certificates applied for after 1/1/2023.	§ 38.1(a)(2)	All airplanes; New certification required if triggered by change criteria (§ 38.19(a)).	1/1/2023	New type limit § 38.17(a)(1).	[intentionally left blank]

The FAA is proposing the same exclusions to part 38 that were adopted by the EPA and ICAO. Part 38 would not apply to airplanes with lesser MTOMs (jets or propeller-driven airplanes) as indicated in § 38.1(c). Airplanes that are designed for specialized operations (including the presence of unique design features to carry out those operations) also would be excluded from part 38, subject to a determination that a design for specialized operation is detrimental to fuel efficiency. This determination would be made by the FAA when an airplane is presented for certification. Examples of such airplanes could include specialized cargo features, specialized missions, or crop dusting. Amphibious airplanes (as defined in § 38.3), airplanes that have no pressurized areas (described as having zero reference geometric factor (RGF)), airplanes designed for firefighting, and airplanes powered by reciprocating aircraft engines also would be excluded.

C. Compatibility With Airworthiness Requirements (§ 38.4)

Section 38.4 addresses historical issues of compatibility between environmental and airworthiness standards. This section is intended to prohibit the sequencing of certification tests for an airplane that has not met the applicable airworthiness requirements. This requirement would ensure that critical airplane configuration is established before fuel efficiency certification tests are conducted, and that no airworthiness standards are compromised during the fuel efficiency certification. In addition, the FAA proposes to require that all of the procedures used to conduct the flights that demonstrate fuel efficiency compliance be conducted in compliance with all airworthiness regulations that apply to the airplane.

D. Exemptions (§ 38.5)

In accordance with 42 U.S.C. 7572, 49 CFR 1.83(a)(6) and (c), and 49 U.S.C. 44701(f), the FAA may issue exemptions from its regulations when such exemption would be in the public interest. Section 38.5 states that petitions for exemption from any requirement in part 38 be submitted in accordance with 14 CFR part 11. In addition, this section notes that the FAA would consult with the EPA on any request for exemption from the regulations of part 38. This process is the same as that followed when the FAA considers petitions for exemption from the engine emissions standards promulgated by the EPA under 40 CFR part 87, and by the FAA in 14 CFR part 34.

E. Fuel Efficiency Metric (§ 38.11)

The fuel efficiency of an airplane is determined by the amount of fuel it uses to travel a certain distance under prescribed conditions. This measure is the fuel efficiency metric (FEM). For each airplane subject to part 38 (including an airplane subject to the change criteria of § 38.19), § 38.11 would require an FEM value to be calculated using an equation identical to the one adopted by the EPA in 40 CFR 1030.20. As described in § 38.11, the two primary components of the FEM to be certificated are the specific air range

(SAR) (described in § 38.13) and the reference geometric factor (RGF) (described in § 38.15). SAR is a familiar aeronautical parameter used in the aviation industry to represent the distance an airplane can travel per unit of fuel consumed. It measures the instantaneous fuel efficiency of an airplane at any point during stable cruise flight. The RGF is a representation of airplane fuselage size based on productivity or load carrying capability. The RGF parameter is based on the floor area of pressurized space in an airplane, and is flexible enough to account for single or multi-deck airplanes. Dividing SAR by RGF results in a universal equation to denote the fuel efficiency of any airplane regardless of size. This is the FEM.

F. Fuel Efficiency Regulatory Limits (§ 38.17)

Section 38.17 incorporates as fuel efficiency limits the emission standards adopted by the EPA in 40 CFR 1030.30. Airplanes subject to part 38 would be required to demonstrate that the FEM value does not exceed the fuel efficiency limits in § 38.17. Using the applicable provision in § 38.1, the fuel efficiency limit is calculated using the airplane's MTOM and the equations listed in the last column of the table in § 38.17(b). An airplane's FEM value may not exceed the maximum FEM value calculated using the fuel efficiency limits in this rule.

For the airplanes omitted from the applicability section in the EPA regulations (jet airplanes with a maximum passenger seating capacity of 19 or fewer seats and a MTOM greater than 60,000kg, and for which application for original type certification is submitted on or after January 11, 2021), the standard associated with the airplane's MTOM is applied rather than its seating capacity, which is consistent with the ICAO standard. These airplanes would carry the applicability in § 38.1(a)(1) and would be required to meet the fuel efficiency limits in § 38.17(b)(3) and (4).

G. Change Criteria (§ 38.19)

The third occasion at which the fuel efficiency requirement would apply is at the time certain modifications are made. Section 38.19 would adopt the EPA airplane change criteria of 40 CFR 1030.35. Airplanes routinely have modifications incorporated into their designs. A modification may change the compliance status of an airplane under part 38, regardless of whether it was required to demonstrate compliance with part 38 at the time of certification. The modifications affecting compliance are described by the change criteria in § 38.19. The requirements differ depending on whether an airplane has demonstrated compliance (at certification) before a modification is made, or for an airplane that was type certificated before January 11, 2021, and was not required to demonstrate compliance.

First, if an airplane that was previously certificated for fuel efficiency under part 38 undergoes a modification that increases its MTOM, the applicant must demonstrate compliance with the applicable fuel efficiency limit of § 38.17, regardless of whether there is a change in the airplane's FEM value.

If the MTOM of a modified airplane is not increased, the applicant must show compliance with part 38 if the FEM value of the airplane increases by more than the criteria specified in § 38.19(a)(2). For example, the addition of a satellite antenna on top of the fuselage of an airplane with a MTOM of 60,000 kg may not affect the airplane's MTOM, but may adversely affect the airplane's FEM value by increasing drag. If this 60,000kg MTOM modified airplane shows an increase of FEM value of more than 0.75% (as calculated under § 38.19(a)(2)), the applicant would need to demonstrate compliance with the fuel efficiency limit that was established for the prior version of the airplane.

If the FEM value of the modified airplane increases by less than 0.75%, no new demonstration of compliance would be required. When no demonstration of compliance is required, the applicant may choose to use the FEM value of the unmodified version of the airplane under § 38.19(b), or it may choose to establish a new FEM value.

Second, as provided in § 38.1(a)(4) or (5), if a modification is made to an airplane not previously certificated for fuel efficiency, it may be subject to the requirements of part 38 depending upon the effect of the modification on the FEM value. Section 38.19(c) requires that if a modified airplane has an increase in FEM value of more than 1.5% over the unmodified version, the applicant must demonstrate compliance with the fuel efficiency limit of § 38.17. The fuel efficiency limits for these airplanes are shown in § 38.17(b)(5) through (8). These change criteria apply to airplanes for which an application for the modification in type design is submitted on or after January 1, 2023.

Finally, § 38.1(a)(6) and (7), which require that all covered airplanes produced after January 1, 2028, demonstrate compliance with the fuel efficiency standard (regardless of when the airplane model was originally type certificated), effectively limit to five years the applicability of the 2023 provisions established in § 38.1(a)(4) and (5). For aircraft that were not required to demonstrate compliance with the standard at certification, the effective period of the change criteria trigger for compliance is January 1, 2023, to December 31, 2027. For aircraft that have been previously required to demonstrate compliance with the standard at type certification or production, the change criteria of § 38.19 would continue to apply.

Examples of the limits on allowable changes after modification are illustrated in Figure 1, Changes to FEM following modification.

The example on the left of the chart is for an airplane that was type certificated before January 11, 2021 (In-production limit/hashed line with applicable regulations noted), that was not required to demonstrate compliance with part 38. The dot on the chart represents the airplane before the modification in question. An airplane that is modified complies with part 38 if it stays below the hashed line (the triangle), even if the FEM is higher than the unmodified airplane. If the modification results in an FEM above the hashed line (the square), the modified airplane would not be compliant with part 38 and would not be issued an airworthiness certificate. The example illustrates a concurrent increase in MTOM, which may not occur.

The example on the right is for an airplane type certificated after January 11, 2021, that has demonstrated compliance with part 38 at type certification (solid line, with applicable regulations noted). The result is the same, with a modified airplane being required to stay below the limit line for new airplane types (denoted by the triangle relative to the solid regulatory line). The illustration emphasizes the fact that airplanes produced under a new type certificate (subject to the solid line) do not become ''in-production'' airplanes that may use the higher FEM limit (the square) when produced after initial part 38 certification. The designation of ''in-production'' versus ''new airplane type'' under the change criteria is established as of January 11, 2021, not the date of individual airplane production, and the FEM limit (line) for modified airplanes does not change afterwards.

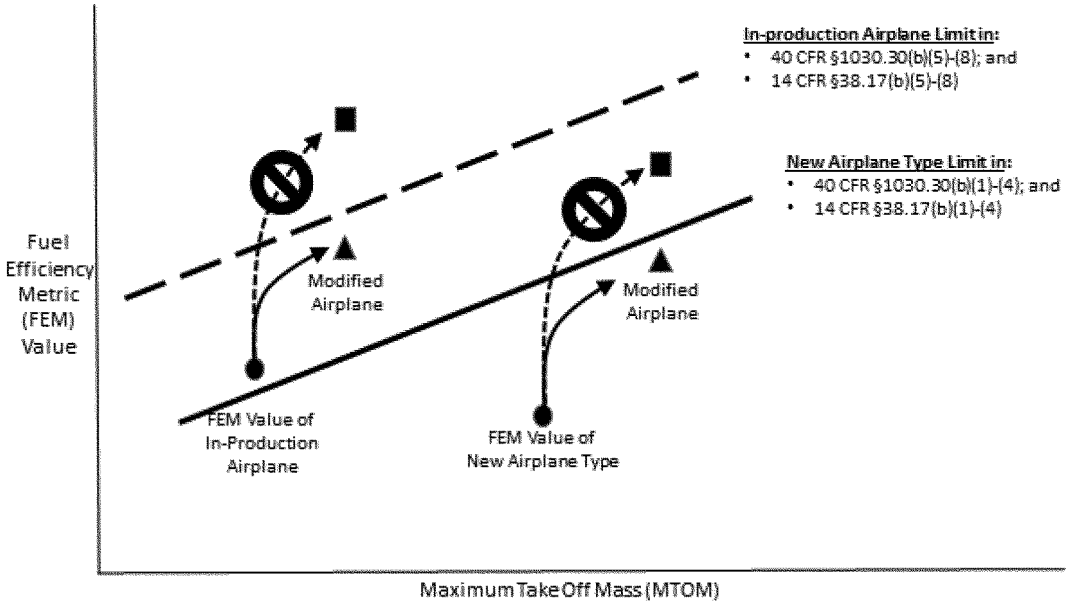

Figure 1: Changes to FEM following modification.

H. Approval Before Compliance Testing (§ 38.21)

Section 38.21 would require FAA approval of all procedures, weights, configurations, and other information that are necessary to calculate the fuel efficiency metric value of an airplane. Such approvals are necessary to ensure the airplane configuration and fuel efficiency certification procedures are established and remain unchanged before fuel efficiency compliance tests are actually conducted. This section would not be applied to data submitted for validation following fuel efficiency certification by another authority.

I. Manual Information and Limitations (§ 38.23)

The final section of part 38 would require that the fuel efficiency metric value of the airplane, along with other part 38 compliance information, must be placed in an FAA-approved section of the flight manual of the airplane. Inclusion of this information in the approved airplane flight manual would provide owners, operators, and flight crew with information regarding the airplane's compliance with part 38. The FAA also proposes to require that if a weight less than the MTOM is used for fuel efficiency certification, then that lower weight becomes an operating limitation for that airplane and must be included in the operating limitations section of the flight manual. Operators may not exceed the weight at which compliance with part 38 was demonstrated, even if that weight is lower than the MTOM for the airplane under other airworthiness requirements.

J. Appendix A to Part 38

Appendix A to part 38 provides the technical detail needed to determine the fuel efficiency metric value of an airplane required to demonstrate compliance with part 38. The primary sources of the information contained in the appendix are Sections 2.5 and 2.6 of ICAO Annex 16, Volume III, including appendices 1 and 2 to that volume. The FAA is not proposing the incorporation by reference of Volume III. Instead, part 38 was drafted to include the material from Volume III using current U.S. certification terminology, format, and references.

Appendix A details the processes and procedures to be used when measuring an airplane for fuel efficiency. To comply with part 38, a certification applicant would need to determine the core elements of the fuel efficiency metric, specifically the specific air range and reference geometric factor. The specifications for the flight tests to gather airplane performance data are provided in this appendix, as well as the formulas to be used to determine specific air range and the reference geometric factor from the data gathered during testing. The appendix also describes the certification data that would be submitted to the FAA in the certification test report that is a part of fuel efficiency certification.

K. Other Revisions to 14 CFR

This proposal sets forth several amendments to part 21 to include compliance with part 38 as a requirement for type, supplemental type, or airworthiness certification using the applicability described in § 38.1. The proposed amendments to part 21 include references to proposed part 38 in §§ 21.5, 21.17, 21.29, 21.31, 21.93, 21.115, 21.183, and 21.187.

While revising the text for part 21 to include references to proposed part 38, an error was discovered in § 21.187. The text of § 21.187(c) should have been designated as paragraph (a)(3) because the applicability of part 34 needs the introductory text of paragraph (a) to be read correctly. This rule proposes to move and redesignate § 21.187(c) as § 21.187(a)(3), with the requirement to comply with part 38 added as § 21.187(a)(4).

This proposed rule includes amendments to the operating regulations for airplanes subject to part 38. Revisions to §§ 121.141 and 125.75 are included to add the certification information for fuel efficiency to the airplane flight manuals for airplanes subject to part 38.

III. Regulatory Notices and Analyses

Federal agencies consider impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a

reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is $158,000,000, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. The FAA has provided a detailed Regulatory Impact Analysis (RIA) in the docket for this rulemaking. This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule.

In conducting these analyses, the FAA has determined that this rule: will result in benefits that justify costs; is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; will not have a significant economic impact on a substantial number of small entities; will not create unnecessary obstacles to the foreign commerce of the United States; and will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

A. Regulatory Impact Analysis

The FAA identified three U.S. manufacturers that would be affected by the proposed rule. Manufacturers will incur certification costs even in the absence of the proposed rule since they would pursue certification with foreign authorities.[3] Certification tasks will vary greatly depending on the stage of the airplane development process (*e.g.,* new type certificate, supplemental type certificate). Additionally, the first fuel efficiency certification project undertaken by any one manufacturer may require more resources because of the new processes and the need for new data generation. The FAA used information provided by the affected airplane manufacturers to construct a timeline of when these costs would be incurred over the next 10 years (starting in 2022), and the cost savings from domestic certification enabled by the proposed rule.

Because the EPA standard applies to airplanes certificated in the United States even in the absence of the proposed rule, there are no incremental benefits associated with the FAA's action; however, the proposed rule will result in cost savings by enabling U.S. manufacturers to certificate to the EPA standard[4] rather than the requirements of a foreign authority. Annualized costs savings may be approximately $0.4 million using discount rates of 3 percent and 7 percent (a present value over 10 years of $3.12 million to $2.6 million, using discount rates of 3 percent and 7 percent, respectively). For more details, see the Regulatory Impact Analysis (RIA) for this proposed rule, which has been placed in the rule docket.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504 Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and 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.

As described in the RIA, the FAA identified three U.S. manufacturers that would be affected by the proposed rule. Based on the Small Business Administration (SBA) size standard for aircraft manufacturing (Table 1), all three manufacturers are large businesses. If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b) and based on the foregoing, the head of FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities. The FAA welcomes comments on the basis for this certification.

TABLE 2—SMALL BUSINESS SIZE STANDARDS: AIR TRANSPORTATION

NAICS code	Description	Size standard
336411 ...	Aircraft manufacturing	1,500 employees.

Source: SBA (2019).[5]
NAICS = North American Industrial Classification System.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effects of this rule and finds that it does not create an unnecessary obstacle to foreign commerce. The United States has adopted the same airplane emission standard as ICAO and many of its member States. This proposed rule is the next step in insuring compliance with the internationally recognized standard.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. The FAA determined that the proposed rule will not result in the expenditure of $158,000,000 or more by State, local, or tribal governments, in the aggregate, or the private sector, in any one year.

[3] The EPA also conducted its own analysis and found that manufacturers will comply with the ICAO standards in the absence of U.S. regulations.

[4] The EPA adopted the same emission standard as ICAO; manufacturers would have to comply with the national emission standard of another country, usually based on the ICAO standard, in order to sell its airplanes there.

[5] Small Business Administration (SBA). 2019. Table of Size Standards. Effective August 12, 2019. *https://www.sba.gov/document/support--table-size-standards.*

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

This action contains the following proposed new information collection requirement. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these proposed information collection amendments to OMB for its review.

Summary: The proposed regulations, adding a new part 38 to 14 CFR that requires certification for fuel efficiency, includes a collection of data from certification applicants. Certain data collected by the respondent during its certification flight tests are to be included in a certification test report that is submitted to the FAA. Those data are described in appendix A to part 38. The information in the test report is used by the agency to determine whether the subject airplane complies with the fuel efficiency requirements promulgated by the EPA and the FAA. Without such information, the FAA would not have the complete record of an airplane's fuel efficiency performance and would be unable to issue a type or airworthiness certificate.

Use: Respondent's data will be used to determine compliance with the fuel efficiency standards established by the EPA under the requirements of the Clean Air Act. The FAA is required by the CAA to implement those standards, which is done at the time of aircraft certification.

Respondent's test data will not be maintained by the FAA following a certification determination. The certification test report is not available to the public. The regulation also requires that certain values be listed in the flight manual of the airplane, which is given to the purchaser of an airplane.

Respondents (including number of): The FAA anticipates three respondents to the collection of information.

Frequency: The FAA anticipates that respondents will provide responses annually (averaged).

Annual Burden Estimate: Table 1 provides the FAA's estimates of annual reporting (submittal of certification data) and recordkeeping (manual information) burden.

TABLE 1—SUMMARY OF ANNUAL BURDEN

Category	Reporting	Record-keeping
# of respondents	3	3
# of responses per respondent	2	2
Time per response (hours)	2	8
Total # of responses	5	5
Total burden (hours)	9	36

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may send comments on the information collection requirement to the address listed in the **ADDRESSES** section at the beginning of this preamble by August 15, 2022. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New Executive Building, Room 10202, 725 17th Street NW, Washington, DC 20053.

F. International Compatibility and Cooperation Act

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no substantive differences with these proposed regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f for regulations and involves no extraordinary circumstances.

H. DOT Order 2100.6A—Rulemaking and Guidance Procedures

On June 7, 2021, the Department of Transportation issued Order 2100.6A, *Rulemaking & Guidance Procedures,* calling for identification of topics that are ''reasonably anticipated to be related to a major program, policy, or activity of the Department or a high-profile issue pending for decision before the Department; involve one of the Secretary's top policy priorities; or to garner significant press or congressional attention.'' Reducing the impacts of climate change is considered a major policy goal of the current administration. This proposed rule addresses the certification of fuel efficiency for subsonic, civil airplanes and addresses a portion of the role that civil aviation plays in climate change. Airplanes emit CO_2, a greenhouse gas, as they burn fuel. This proposed rule would require the measurement of the fuel efficiency of an airplane as a tool for assessing the continued output of CO_2 from airplanes and informing future standards limiting CO_2 emissions.

IV. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, International Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation

(77 FR 26413, May 4, 2012), promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policy and agency responsibilities of E.O. 13609. The agency has determined that this action would eliminate differences between U.S. aviation standards and those of other civil aviation authorities by adopting the airplane certification regulations needed to comply with the standards adopted by ICAO and the U.S. EPA.

V. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person listed in **FOR FURTHER INFORMATION CONTACT** above. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal at *www.regulations.gov;*

2. Visiting the FAA's Regulations and Policies web page at *www.faa.gov/regulations_policies;* or

3. Accessing the Government Printing Office's web page at *www.govinfo.gov.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects

14 CFR Part 21

Aircraft, Aviation safety, Exports, Imports, Reporting and recordkeeping requirements.

14 CFR Part 38

Air pollution control, Aircraft.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND ARTICLES

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

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(f), 106(g), 40105, 40113, 44701–44702, 44704, 44707, 44709, 44711, 44713, 44715, 45303.

■ 2. Amend § 21.5 by adding paragraph (b)(3) to read as follows:

§ 21.5 Airplane or Rotorcraft Flight Manual.

* * * * *

(b) * * *

(3) Documentation of compliance with part 38 of this chapter, in an FAA-approved section of any approved airplane flight manual. Such material must include the fuel efficiency metric value as calculated under § 38.11 of this chapter, and the specific paragraph of § 38.17 of this chapter with which compliance has been shown for that airplane.

■ 3. Amend § 21.17 by revising the introductory text of paragraph (a) to read as follows:

§ 21.17 Designation of applicable regulations.

(a) Except as provided in §§ 25.2, 27.2, and 29.2 of this subchapter, and in parts 26, 34, 36, and 38 of this subchapter, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets—

* * * * *

■ 4. Amend § 21.29 by revising paragraphs (a)(1)(i) and (b) to read as follows:

§ 21.29 Issue of type certificate: import products.

(a) * * *

(1) * * *

(i) The applicable aircraft noise, fuel venting and exhaust emissions, and fuel efficiency requirements of this subchapter as designated in § 21.17, or the applicable aircraft noise, fuel venting and exhaust emissions, and fuel efficiency requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting and exhaust emission, and fuel efficiency levels no greater than those provided by the applicable aircraft noise, fuel venting and exhaust emissions, and fuel efficiency requirements of this subchapter as designated in § 21.17; and

* * * * *

(b) A product type certificated under this section is determined to be compliant with the fuel venting and

exhaust emission standards of part 34 of this subchapter, the noise standards of part 36 of this subchapter, and the fuel efficiency requirements of part 38 of this subchapter. Compliance with parts 34, 36, and 38 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchapter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.

■ 5. Amend § 21.31 by revising paragraph (e) to read as follows:

§ 21.31 Type design.

* * * * *

(e) Any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel efficiency, fuel venting, and exhaust emissions (where applicable) of later products of the same type.

■ 6. Amend § 21.93 by adding paragraph (d) to read as follows:

§ 21.93 Classification of changes in type design.

* * * * *

(d) For the purpose of maintaining compliance with part 38 of this chapter, any voluntary change in the type design of an airplane that may increase the fuel efficiency metric value of that airplane is a ''fuel efficiency change'', in addition to being a minor or major change as classified in paragraph (a) of this section.

■ 7. Amend § 21.101 by revising paragraph (a) to read as follows:

§ 21.101 Designation of applicable regulations.

(a) An applicant for a change to a type certificate must show that the change and areas affected by the change comply with the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change and with parts 34, 36, and 38 of this chapter. Exceptions are detailed in paragraphs (b) and (c) of this section.

* * * * *

■ 8. Amend § 21.115 by revising paragraph (a) to read as follows:

§ 21.115 Applicable requirements.

(a) Each applicant for a supplemental type certificate must show that the altered product meets applicable requirements specified in § 21.101 and—

(1) In the case of an acoustical change described in § 21.93(b), show compliance with the applicable noise requirements of part 36 of this chapter;

(2) In the case of an emissions change described in § 21.93(c), show compliance with the applicable fuel venting and exhaust emissions requirements of part 34 of this chapter; and

(3) In the case of a fuel efficiency change described in § 21.93(d), show compliance with the applicable fuel efficiency requirements of part 38 of this chapter.

* * * * *

■ 9. Amend § 21.183 by adding reserved paragraph (i) and paragraph (j) to read as follows:

§ 21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; and special classes of aircraft.

* * * * *

(j) *Fuel efficiency requirements.* No original standard airworthiness certificate may be issued under this section unless the applicant has demonstrated that the type design complies with the applicable fuel efficiency requirements of part 38 of this chapter.

■ 10. Amend § 21.187 by revising paragraph (a) to read as follows:

§ 21.187 Issue of multiple airworthiness certification.

(a) An applicant for an airworthiness certificate in the restricted category, and in one or more other categories except primary category, is entitled to the certificate, if—

(1) He shows compliance with the requirements for each category, when the aircraft is in the configuration for that category;

(2) He shows that the aircraft can be converted from one category to another by removing or adding equipment by simple mechanical means;

(3) The aircraft complies with the applicable requirements of part 34 of this subchapter; and

(4) The airplane complies with the applicable requirements of part 38 of this subchapter.

* * * * *

■ 11. Add part 38 to read as follows:

PART 38—AIRPLANE FUEL EFFICIENCY CERTIFICATION

Subpart A—General

Sec.

38.1 Applicability.
38.3 Definitions.
38.4 Compatibility with airworthiness requirements.
38.5 Exemptions.
38.7 [Reserved]
38.9 Relationship to other regulations.

Subpart B—Determining Fuel Efficiency for Subsonic Airplanes

Sec.

38.11 Fuel efficiency metric.
38.13 Specific air range.
38.15 Reference geometric factor.
38.17 Fuel efficiency limits.
38.19 Change criteria.
38.21 Approval before compliance testing.
38.23 Manual information and limitations.
Appendix A to Part 38—Determination of Airplane Fuel Efficiency Metric Value

Authority: 42 U.S.C. 4321 *et seq.,* 7572; 49 U.S.C. 106(g), 40113, 44701–44702, 44704; 49 CFR 1.83(c).

Subpart A—General

§ 38.1 Applicability.

(a) Except as provided in paragraph (c) of this section, an airplane that is subject to the requirements of 40 CFR part 1030 may not exceed the fuel efficiency limits of this part when original type certification under this title is sought. This part applies to the following airplanes:

(1) A subsonic jet airplane that has—

(i) A type-certificated maximum passenger seating capacity of 20 seats or more, and

(ii) A maximum takeoff mass (MTOM) greater than 5,700 kg, and

(iii) An application for original type certification that is submitted on or after January 11, 2021, or

(iv) A type-certificated maximum passenger seating capacity of 19 seats or fewer, and

(v) A MTOM greater than 60,000 kg, and

(vi) An application for original type certification that is submitted on or after January 11, 2021.

(2) A subsonic jet airplane that has—

(i) A type-certificated maximum passenger seating capacity of 19 seats or fewer,

(ii) A MTOM greater than 5,700 kg, but not greater than 60,000 kg, and

(iii) An application for original type certification that is submitted on or after January 1, 2023.

(3) A propeller-driven airplane that has—

(i) A MTOM greater than 8,618 kg, and

(ii) An application for original type certification that is submitted on or after January 11, 2021.

(4) A subsonic jet airplane—

(i) That is a modified version of an airplane whose type design was not certificated under this part,

(ii) That has a MTOM greater than 5,700 kg,

(iii) For which an application for the modification in type design is submitted on or after January 1, 2023, and

(iv) For which the first certificate of airworthiness is issued for an airplane built with the modified type design.

(5) A propeller-driven airplane—

(i) That is a modified version of an airplane whose type design was not certificated under this part,

(ii) That has a MTOM greater than 8,618 kg,

(iii) For which an application for modification in type design is submitted on or after January 1, 2023, and

(iv) For which the first certificate of airworthiness is issued for an airplane built with the modified type design.

(6) A subsonic jet airplane that has—

(i) A MTOM greater than 5,700 kg, and

(ii) Its first certificate of airworthiness issued on or after January 1, 2028.

(7) A propeller-driven airplane that has—

(i) A MTOM greater than 8,618 kg, and

(ii) Its first certificate of airworthiness issued on or after January 1, 2028.

(b) The requirements of this part apply to an airplane that incorporates a modification that changes the fuel efficiency metric value of a prior version of that airplane. A modified airplane may not exceed the applicable fuel efficiency limit of this part when certification under this chapter is sought. The criteria for modified airplanes are described in § 38.19. A modified airplane is subject to the same fuel efficiency limit of § 38.17 as the prior version of the airplane.

(c) The requirements of this part do not apply to:

(1) Subsonic jet airplanes having a MTOM at or below 5,700 kg.

(2) Propeller-driven airplanes having a MTOM at or below 8,618 kg.

(3) Amphibious airplanes.

(4) Airplanes initially designed, or modified and used, for specialized operations. These airplane designs may include characteristics or configurations necessary to conduct specialized operations that the United States Environmental Protection Agency (EPA) and the FAA have determined may cause a significant increase in the fuel efficiency metric value.

(5) Airplanes designed with a reference geometric factor of zero.

(6) Airplanes designed for, or modified and used for, firefighting.

(7) Airplanes powered by reciprocating engines.

§ 38.3 Definitions.

For the purpose of showing compliance with this part, the following terms have the specified meanings:

Amphibious airplane means an airplane that is capable of takeoff and landing on both land and water. Such an airplane uses its hull or floats attached to the landing gear for takeoff and landing on water, and either extendable or fixed landing gear for takeoff and landing on land.

ICAO Annex 16, Volume III means Volume III of Annex 16 to the Convention on International Civil Aviation.

Maximum takeoff mass (MTOM) is the maximum allowable takeoff mass as stated in the approved certification basis for an airplane type design. Maximum takeoff mass is expressed in kilograms.

Performance model is an analytical tool (or a method) validated using corrected flight test data that can be used to determine the specific air range values for calculating the fuel efficiency metric value.

Reference geometric factor (RGF) is a non-dimensional number derived from a two-dimensional projection of the fuselage.

Specific air range (SAR) is the distance an airplane travels per unit of fuel consumed. Specific air range is expressed in kilometers per kilogram of fuel.

Subsonic means an airplane that has not been certificated under this title to exceed Mach 1 in normal operation.

Type certificated maximum passenger seating capacity means the maximum number of passenger seats that may be installed on an airplane as listed on its type certificate data sheet, regardless of the actual number of seats installed on an individual airplane.

§ 38.4 Compatibility with airworthiness requirements.

Unless otherwise approved by the FAA, an airplane used to demonstrate compliance with this part must meet all of the airworthiness requirements of this chapter required to establish the type certification basis of the airplane, for any condition under which compliance with this part is being demonstrated. Any procedure used to demonstrate compliance, and any flight crew information developed for demonstrating compliance with this part, must be consistent with the airworthiness requirements of this chapter that constitute the type certification basis of the airplane.

§ 38.5 Exemptions.

A petition for exemption from any requirement of this part must be submitted to the Administrator in accordance with and meet the requirements of part 11 of this chapter. The FAA will consult with the EPA on each exemption petition before taking action.

§ 38.7 [Reserved]

§ 38.9 Relationship to other regulations.

In accordance with certain provision of the Clean Air Act Amendments of 1970 (CAA) (42 U.S.C. 7571 *et seq.*), the United States Environmental Protection Agency (EPA) is authorized to set standards for aircraft engine emissions in the United States, while the FAA is authorized to insure compliance with those standards under a delegation from the Secretary of Transportation (49 CFR 1.47). The fuel efficiency limits in § 38.17 are intended to be the same as that promulgated by the EPA in 40 CFR part 1030. Accordingly, if the EPA changes any regulation in 40 CFR part 1030 that corresponds with a regulation in this part, a certification applicant may request a waiver of those provisions as they appear in this part in order to comply with part 1030. In addition, unless otherwise specified in this part, all terminology and abbreviations in this part that are defined in 40 CFR part 1030 have the meaning specified in part 1030.

Subpart B—Determining Fuel Efficiency for Subsonic Airplanes

§ 38.11 Fuel efficiency metric.

For each airplane subject to this part, or to determine whether a modification makes an airplane subject to this part under the change criteria of § 38.19, a fuel efficiency metric value must be calculated, using the following equation, rounded to three decimal places:

$$Fuel\ Efficiency\ \text{metric value} = \frac{\left(\frac{1}{SAR}\right)_{avg}}{RGF^{0.24}}$$

Where:

The SAR is determined in accordance with § 38.13, and the RGF is determined in accordance with § 38.15. The fuel efficiency metric value is expressed in units of kilograms of fuel consumed per kilometer.

§ 38.13 Specific air range.

(a) For each airplane subject to this part, the SAR of an airplane must be determined by either:

(1) Direct flight test measurements.

(2) Using a performance model that is:

(i) Validated by actual SAR flight test data; and

(ii) Approved by the FAA before any SAR calculations are made.

(b) For the airplane model, establish a 1/SAR value at each of the following reference airplane masses:

(1) High gross mass: 92 percent MTOM.

(2) Low gross mass: (0.45 * MTOM) + (0.63 * (MTOM^0.924)).

(3) Mid gross mass: simple arithmetic average of high gross mass and low gross mass.

(c) To obtain $(1/SAR)_{avg}$ as required to determine the fuel efficiency metric value described in § 38.11, calculate the average of the three 1/SAR values described in paragraph (b) of this section. Do not include auxiliary power units in any 1/SAR calculation.

(d) All determinations made under this section must be made in accordance with the procedures applicable to SAR as described in appendix A to this part.

§ 38.15 Reference geometric factor.

For each airplane subject to this part, determine the airplane's non-dimensional RGF for the fuselage size of each airplane model, calculated as follows:

(a) For an airplane with a single deck, determine the area of a surface (expressed in m^2) bounded by the maximum width of the fuselage outer mold line projected to a flat plane parallel with the main deck floor and the forward and aft pressure bulkheads except for the crew cockpit zone.

(b) For an airplane with more than one deck, determine the sum of the areas (expressed in m^2) as follows:

(1) The maximum width of the fuselage outer mold line, projected to a flat plane parallel with the main deck floor by the forward and aft pressure bulkheads except for any crew cockpit zone.

(2) The maximum width of the fuselage outer mold line at or above each other deck floor, projected to a flat plane parallel with the additional deck floor by the forward and aft pressure bulkheads except for any crew cockpit zone.

(c) Determine the non-dimensional RGF by dividing the area defined in paragraph (a) or (b) of this section by 1 m^2.

(d) All measurements and calculations used to determine the RGF of an airplane must be made in accordance with the procedures for determining RGF in section A38.3 of appendix A to this part.

§ 38.17 Fuel efficiency limits.

(a) The fuel efficiency limits in this section are expressed as maximum permitted fuel efficiency metric values, as calculated under § 38.11.

(b) The fuel efficiency metric value of an airplane subject to this part may not exceed the following, rounded to three decimal places:

For airplanes described in . . .	With a MTOM . . .	The maximum permitted fuel efficiency metric value is . . .
(1) Section 38.1(a)(1) and (2)	5,700 < MTOM ≤ 60,000 kg	$10^{(-2.73780+(0.681310*\log_{10}(MTOM))+(-0.0277861*(\log_{10}(MTOM))\wedge 2))}$.
(2) Section 38.1(a)(3)	8,618 < MTOM ≤ 60,000 kg	$10^{(-2.73780+(0.681310*\log_{10}(MTOM))+(-0.0277861*(\log_{10}(MTOM))\wedge 2))}$.
(3) Section 38.1(a)(1) and (3)	60,000 < MTOM ≤ 70,395 kg	0.764.
(4) Section 38.1(a)(1) and (3)	MTOM > 70,395 kg	$10^{(-1.412742+(-0.020517*\log_{10}(MTOM))+(0.0593831*(\log_{10}(MTOM))\wedge 2))}$.
(5) Section 38.1(a)(4) and (6)	5,700 < MTOM ≤ 60,000 kg	$10^{(-2.57535+(0.609766*\log_{10}(MTOM))+(-0.0191302*(\log_{10}(MTOM))\wedge 2))}$.
(6) Section 38.1(a)(5) and (7)	8,618 < MTOM ≤ 60,000 kg	$10^{(-2.57535+(0.609766*\log_{10}(MTOM))+(-0.0191302*(\log_{10}(MTOM))\wedge 2))}$.
(7) Section 38.1(a)(4) through (7)	60,000 < MTOM ≤ 70,107 kg	0.797.
(8) Section 38.1(a)(4) through (7)	MTOM > 70,107 kg	$10^{(-1.39353+(-0.020517*\log_{10}(MTOM))+(0.0593831*(\log_{10}(MTOM))\wedge 2))}$.

§ 38.19 Change criteria.

(a) For an airplane that has been shown to comply with § 38.17, any subsequent version of that airplane must demonstrate compliance with § 38.17 if the subsequent version incorporates a modification that either increases:

(1) The maximum takeoff mass; or

(2) The fuel efficiency metric value by more than:

(i) For airplanes with a MTOM greater than or equal to 5,700 kg, the value decreases linearly from 1.35 to 0.75 percent for an airplane with a MTOM of 60,000 kg.

(ii) For airplanes with a MTOM greater than or equal to 60,000 kg, the value decreases linearly from 0.75 to 0.70 percent for airplanes with a MTOM of 600,000 kg.

(iii) For airplanes with a MTOM greater than or equal to 600,000 kg, the value is 0.70 percent.

(b) For an airplane that has been shown to comply with § 38.17, and for any subsequent version of that airplane that incorporates modifications that do not increase the MTOM or the fuel efficiency metric value in excess of the levels shown in this paragraph (b), the fuel efficiency metric value of the modified airplane may be reported to be the same as the value of the prior version.

(c) For an airplane that meets the criteria of § 38.1(a)(4) or (5), on or after January 1, 2023, and before January 1, 2028, the airplane must demonstrate compliance with § 38.17 if it incorporates any modification that increases the fuel efficiency metric value by more than 1.5 percent from the prior version of the airplane.

§ 38.21 Approval before compliance testing.

All procedures, weights, configurations, and other information or data that are used to establish a fuel efficiency level required by this part or in any appendix to this part (including any equivalent procedures) must be approved by the FAA prior to use in certification tests intended to demonstrate compliance with this part.

§ 38.23 Manual information and limitations.

(a) *Information in manuals.* The following information must be included in any FAA-approved section of a FAA-approved Airplane Flight Manual or combination of approved manual material:

(1) Fuel efficiency level established during type certification; and

(2) Maximum takeoff mass at which fuel efficiency level was established.

(b) *Limitation.* If the fuel efficiency of an airplane is established at a weight (mass) that is less than the maximum certificated takeoff weight (mass) used to establish the airworthiness of the airplane under this chapter, the lower weight (mass) becomes an operating limitation of the airplane and that limitation must be included in the limitations section of any FAA-approved manual.

Appendix A to Part 38—Determination of Airplane Fuel Efficiency Metric Value

Sec.

A38.1 Introduction

A38.2 Reference Specifications for SAR Flight Tests
A38.3 Determination of Reference Geometric Factor (RGF)
A38.4 Certification Test Specifications
A38.5 Measurement of Specific Air Range
A38.6 Submission of Certification Data to the FAA

A38.1 Introduction

A38.1.1 This appendix describes the processes and procedures for determining the fuel efficiency metric value for an airplane subject to this part.

A38.1.2 Methods for Determining Specific Air Range (SAR)

A38.1.2.1 SAR may be determined by either—

A38.1.2.1.1 Direct flight test measurement at the SAR test points, including any corrections of test data to reference specifications; or

A38.1.2.1.2 Use of a performance model.

A38.1.2.2 For any determination made under section A38.1.2.1.1 of this appendix, the SAR flight test data must have been acquired in accordance with the procedures defined in this appendix and approved by the FAA.

A38.1.2.3 For any determination made under section A38.1.2.1.2 of this appendix, the performance model must:

A38.1.2.3.1 Be verified that the model produces the values that are the same as FAA-approved SAR flight test data.

A38.1.2.3.2 Include a detailed description of any test and analysis method and any algorithm used so as to allow evaluation by the FAA; and

A38.1.2.3.4 Be approved by the FAA before use.

A38.2 Reference Specifications for SAR Flight Tests

A38.2.1 The following reference specifications must be established when determining SAR values for an airplane. No reference specification may exceed any airworthiness limit approved for the airplane under this chapter. See section A38.5 of this appendix for further information.

A38.2.1.1 Reference specifications at the airplane level:

A38.2.1.1.1 Airplane at the reference masses listed in § 38.13(b);

A38.2.1.1.2 A combination of altitude and airspeed selected by the applicant;

A38.2.1.1.3 Airplane in steady, unaccelerating, straight and level flight;

A38.2.1.1.4 Airplane in longitudinal and lateral trim;

A38.2.1.1.5 Airplane gravitational acceleration when travelling in the direction of true North in still air at the reference altitude and a geodetic latitude of 45.5 degrees, based on g_0 (g_0 is 9.80665 m/s^2, which is the standard acceleration due to gravity at sea level and a geodetic latitude of 45.5 degrees);

A38.2.1.1.6 A reference airplane center of gravity (CG) position selected by the applicant to be representative of a mid-CG point relevant to design cruise performance at each of the three reference airplane masses; and

A38.2.1.1.7 A wing structural loading condition defined by the applicant that is representative of operations conducted in accordance with the airplane's maximum payload capability.

A38.2.1.2 Reference specifications at the engine level:

A38.2.1.2.1 Electrical and mechanical power extraction and bleed flow relevant to design cruise performance, as selected by the applicant;

Note.—Power extraction and bleed flow attributable to the use of optional equipment such as passenger entertainment systems need not be included.

A38.2.1.2.2 Engine stability bleeds operating according to the manufacturer's normal schedule for the engine; and

A38.2.1.2.3 Engines with at least 15 cycles or 50 engine flight hours.

A38.2.1.3 Other reference specifications:

A38.2.1.3.1 ICAO standard day atmosphere (Doc 7488/3, 3rd edition 1993, titled ''Manual of the ICAO Standard Atmosphere (extended to 80 kilometres (262 500 feet))'')

A38.2.1.3.2 Fuel lower heating value equal to 43.217 MJ/kg (18 580 BTU/lb);

A38.2.2 If any test conditions are not the same as the reference specifications of this appendix, the test conditions must be corrected to the reference specifications as described in section A38.5 of this appendix.

A38.3 Determination of Reference Geometric Factor (RGF)

A38.3.1 This section provides additional information for determining the RGF, as required by § 38.15.

A38.3.2 The area that defines RGF includes all pressurized space on a single or multiple decks including aisles, assist spaces, passageways, stairwells and areas that can accommodate cargo or auxiliary fuel containers. It does not include permanent integrated fuel tanks within the cabin, or any unpressurized fairings, crew rest or work areas, or cargo areas that are not on the main or upper deck (*e.g.,* 'loft' or under floor areas). RGF does not include the cockpit crew zone.

A38.3.3 The aft boundary to be used for calculating RGF is the aft pressure bulkhead. The forward boundary is the forward pressure bulkhead, not including the cockpit crew zone.

A38.3.4 Areas that are accessible to both crew and passengers are not considered part of the cockpit crew zone. For an airplane that has a cockpit door, the aft boundary of the cockpit crew zone is the plane of the cockpit door. For an airplane that has no cockpit door, or has optional interior configurations that include different locations of the cockpit door, the aft boundary is determined by the configuration that provides the smallest available cockpit crew zone. For airplanes certificated for single-pilot operation, the cockpit crew zone is measured as half the width of the cockpit.

A38.3.5 Figures A38–1 and A38–2 of this appendix provide a notional view of the RGF boundary conditions.

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Figure A38-1 to Appendix A to Part 38. Cross-sectional view

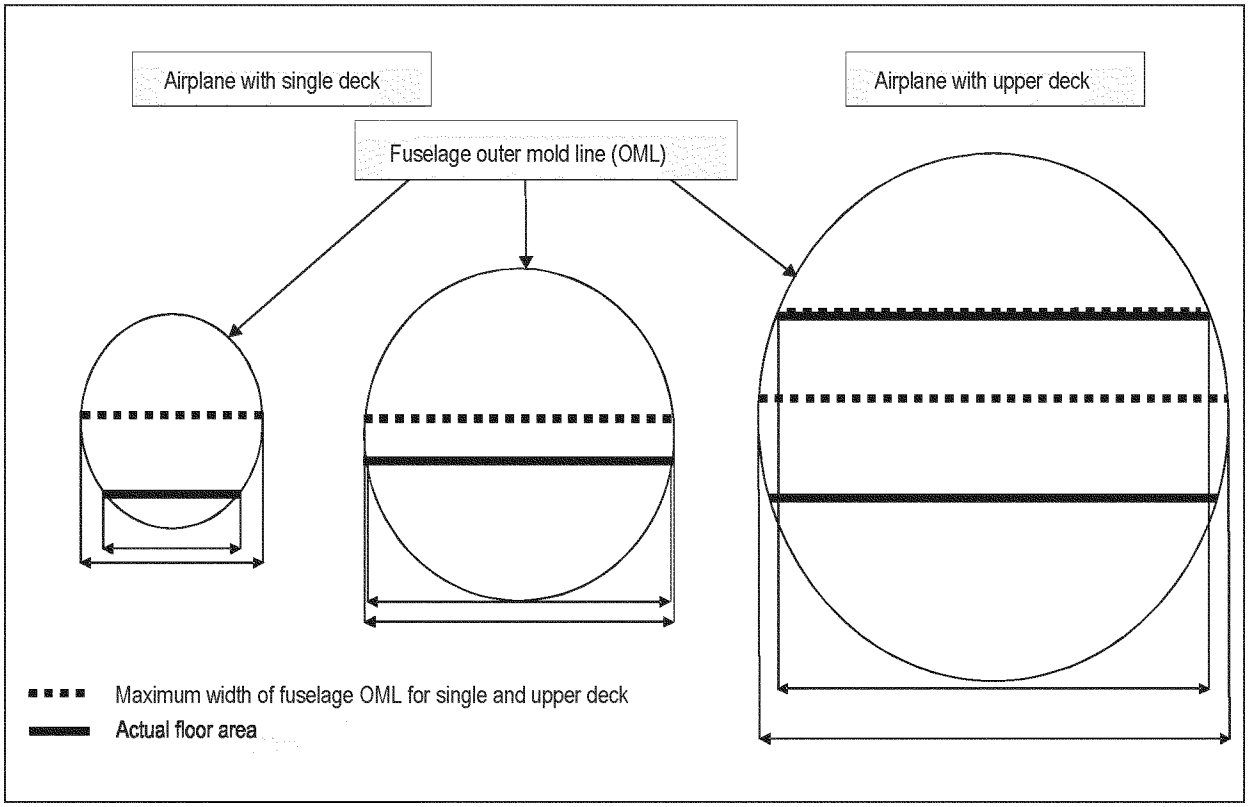
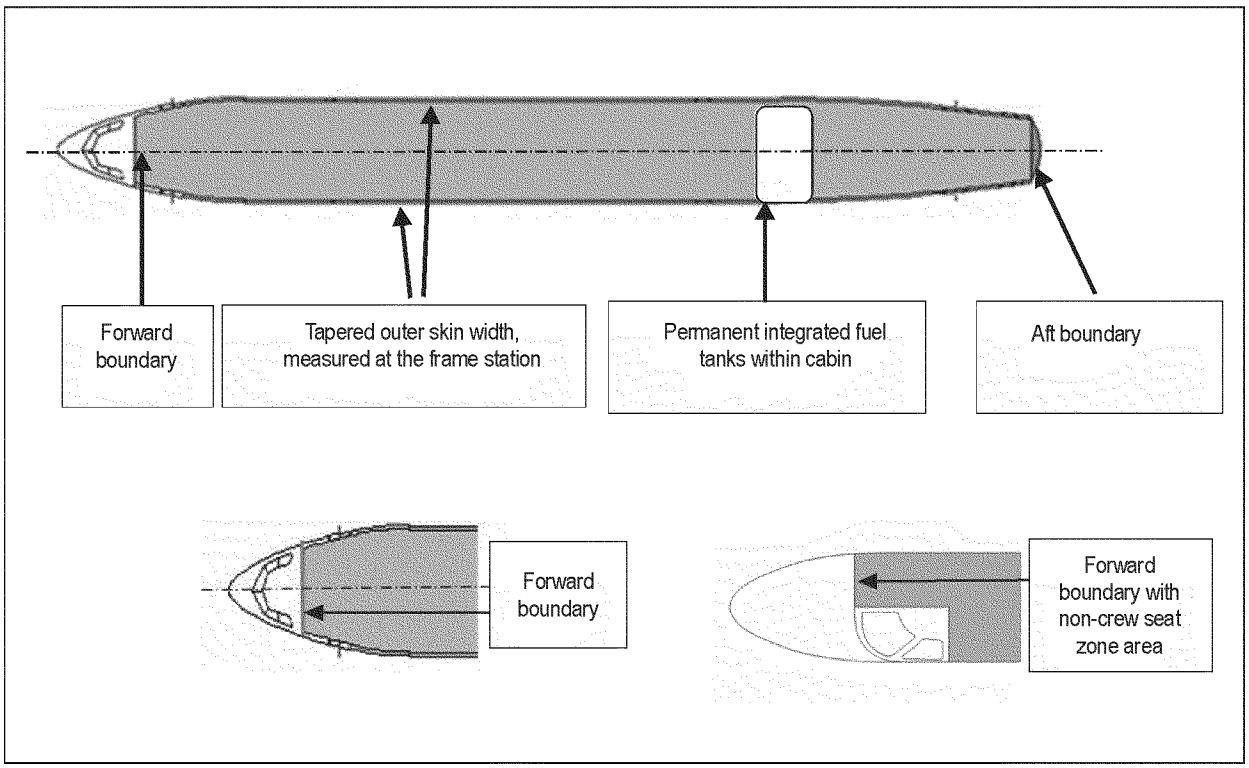


Figure A38-2 to Appendix A to Part 38. Longitudinal view



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A38.4 Certification Test Specifications

A38.4.1 Certification Test Specifications. This section prescribes the specifications under which an applicant must conduct SAR certification tests.

A38.4.2 Flight Test Procedures

A38.4.2.1 Before a Test Flight. The test flight procedures must include the following elements and must be approved by the FAA before any test flight is conducted:

A38.4.2.1.1 *Airplane conformity.* The test airplane must conform to the critical configuration of the type design for which certification is sought.

A38.4.2.1.2 *Airplane weight.* The weight and balance of the test airplane must be established prior to the test flight, including any changes in weight that occur after the airplane is weighed and before the flight is conducted.

A38.4.2.1.3 *Fuel.* The fuel used for each flight test must meet the specification defined in either ASTM D1655–15 (entitled ''Standard Specification for Aviation Turbine Fuels''), Defense Standard 91–91, Issue 7, Amendment 3 (entitled ''Turbine Fuel, Kerosene Type, Jet A–1''), or as approved by FAA.

A38.4.2.1.4 *Fuel lower heating value.* The lower heating value of the fuel used on a test flight must be determined from a sample of fuel used for the test flight. The lower heating value of the fuel sample must be used to correct measured data to reference specifications. The determination of lower heating value and the correction to reference specifications are subject to approval by the FAA.

A38.4.2.1.4.1 The fuel lower heating value may be determined in accordance with ASTM specification D4809–13 ''Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method)'', or as approved by the FAA.

A38.4.2.1.4.2 The fuel sample may be representative of the fuel used for each flight test and may not have variations.

A38.4.2.1.5 *Fuel specific gravity and viscosity.* When volumetric fuel flow meters are used, the specific gravity and viscosity of the fuel used on a test flight must be determined from a sample of fuel used for the test flight.

A38.4.2.1.5.1 The fuel specific gravity may be determined in accordance with ASTM specification D4052–11 ''Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter'', or as approved by FAA.

A38.4.2.1.5.2 The fuel kinematic viscosity may be determined in accordance with ASTM specification D445–15 (entitled ''Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)''), or as approved by FAA.

A38.4.2.2 Flight Test Configurations and Test Condition Stability. An applicant must conduct each flight test in accordance with the flight test configurations and the stability conditions as follows:

A38.4.2.2.1 Flight Test Configuration. The following configurations must be maintained during each flight used to gather data for determining SAR values:

A38.4.2.2.1.1 To the extent that is practicable, the airplane is flown at constant pressure altitude and constant heading along isobars;

A38.4.2.2.1.2 The engine thrust/power setting is stable for unaccelerating level flight;

A38.4.2.2.1.3 The airplane is flown as close as practicable to the reference specifications to minimize the magnitude of any correction;

A38.4.2.2.1.4 There are no changes in trim or engine power/thrust settings, engine stability and handling bleeds, or electrical and mechanical power extraction (including bleed flow); and

A38.4.2.2.1.5 There is no unnecessary movement of on-board personnel.

A38.4.2.2.2 Test Condition Stability. To obtain a valid SAR measurement, the following conditions must be maintained during each test flight, including the indicated tolerances for at least 1 minute while SAR data is acquired:

A38.4.2.2.2.1 Mach number within ±0.005;

A38.4.2.2.2.2 Ambient temperature within ±1 °C;

A38.4.2.2.2.3 Heading within ±3 degrees;

A38.4.2.2.2.4 Track within ±3 degrees;

A38.4.2.2.2.5 Drift angle less than 3 degrees;

A38.4.2.2.2.6 Ground speed within ±3.7 km/h (±2 kt);

A38.4.2.2.2.7 Difference in ground speed at the beginning of the SAR measurement from the ground speed at the end of the SAR measurement within ±2.8 km/h/min (±1.5 kt/min); and

A38.4.2.2.2.8 Pressure altitude within ±23 m (±75 ft).

A38.4.2.2.3 Alternatives to the stable test condition criteria of section A38.4.2.2.2 of this appendix may be used provided that stability is sufficiently demonstrated to the FAA.

A38.4.2.2.4 Data obtained at test points that do not meet the stability criteria of section A38.4.2.2.2 may be acceptable as an equivalent procedure, subject to FAA approval.

A38.4.2.2.5 SAR measurements at the test points must be separated by either:

A38.4.2.2.5.1 Two minutes; or

A38.4.2.2.5.2 An exceedance of one or more of the stability criteria limits described in A38.4.2.2.2.

A38.4.2.3 Verification of Airplane Mass at Test Conditions

A38.4.2.3.1 The procedure for determining the mass of the airplane at each test condition must be approved by the FAA.

A38.4.2.3.2 The mass of the airplane during a flight test is determined by subtracting the fuel used from the mass of the airplane at the start of the test flight. The accuracy of the determination of the fuel used must be verified by:

A38.4.2.3.2.1 Weighing the test airplane on calibrated scales before and after the SAR test flight; or

A38.4.2.3.2.2 Weighing the test airplane before and after another test flight that included a cruise segment, provided that flight occurs within one week or 50 flight hours (at the option of the applicant) of the SAR test flight and using the same, unaltered fuel flow meters.

A38.5 Measurement of Specific Air Range

A38.5.1 Measurement System

A38.5.1.1 The following parameters must be recorded at a minimum sampling rate of 1 Hertz (cycle per second):

A38.5.1.1.1 Airspeed;

A38.5.1.1.2 Ground speed;

A38.5.1.1.3 True airspeed;

A38.5.1.1.4 Fuel flow;

A38.5.1.1.5 Engine power setting;

A38.5.1.1.6 Pressure altitude;

A38.5.1.1.7 Temperature;

A38.5.1.1.8 Heading;

A38.5.1.1.9 Track; and

A38.5.1.1.10 Fuel used (for the determination of gross mass and CG position).

A38.5.1.2 The following parameters must be recorded:

A38.5.1.2.1 Latitude;

A38.5.1.2.2 Engine bleed positions and power off-takes; and

A38.5.1.2.3 Power extraction (electrical and mechanical load).

A38.5.1.3 The value of each parameter used for the determination of SAR (except for ground speed) is the simple arithmetic average of the measured values for that parameter obtained throughout the stable test condition described in section A38.4.2.2.2 of this appendix.

A38.5.1.4 For ground speed, the value is the rate of change of ground speed during the SAR test measurement. The rate of change of ground speed during the SAR measurement must be used to evaluate and correct any acceleration or deceleration that might occur during the SAR measurement.

A38.5.1.5 Each measurement device must have sufficient resolution to determine that the stability of a parameter defined in section A38.4.2.2.2 of this appendix is maintained during SAR measurement.

A38.5.1.6 The SAR measurement system consists of the combined instruments and devices, and any associated procedures, used to acquire the following parameters necessary to determine SAR:

A38.5.1.6.1 Fuel flow;

A38.5.1.6.2 Mach number;

A38.5.1.6.3 Altitude;

A38.5.1.6.4 Airplane mass;

A38.5.1.6.5 Ground speed;

A38.5.1.6.6 Outside air temperature;

A38.5.1.6.7 Fuel lower heating value; and

A38.5.1.6.8 CG.

A38.5.1.7 The SAR value is affected by the accuracy of each element that comprises the SAR measurement system. The cumulative error associated with the SAR measurement system is defined as the root sum of squares (RSS) of the individual accuracies.

A38.5.1.8 If the absolute value of the cumulative error of the overall SAR measurement system is greater than 1.5 percent, a penalty equal to the amount that the RSS value exceeds 1.5 percent must be applied to the SAR value that has been corrected to reference specifications (see

section A38.5.2 of this appendix). If the absolute value of the cumulative error of the overall SAR measurement system is less than or equal to 1.5 percent, no penalty will be applied.

A38.5.2 Calculation of Specific Air Range from Measured Data

A38.5.2.1 Calculating SAR. SAR must be calculated using the following equation: SAR = TAS/W_f where TAS is the true airspeed and W_f is total airplane fuel flow.

A38.5.2.2 Correcting Measured SAR Values to Reference Specifications

A38.5.2.2.1 The measured SAR values must be corrected to the reference specifications listed in A38.2 of this appendix. Unless otherwise approved by the FAA, corrections to reference specifications must be applied for each of the following measured parameters:

A38.5.2.2.1.1 *Acceleration/deceleration (energy).* Drag determination is based on an assumption of steady, unaccelerating flight. Acceleration or deceleration occurring during a test condition affects the assessed drag level. The reference specification is in section A38.2.1.1.3 of this appendix.

A38.5.2.2.1.2 *Aeroelastics.* Wing aeroelasticity may cause a variation in drag as a function of airplane wing mass distribution. Airplane wing mass distribution will be affected by the fuel load distribution in the wings and the presence of any external stores. The reference specification is in section A38.2.1.1.7 of this appendix.

A38.5.2.2.1.3 *Altitude.* The altitude at which the airplane is flown affects the fuel flow. The reference specification is in section A38.2.1.1.2 of this appendix.

A38.5.2.2.1.4 *Apparent gravity.* Acceleration, caused by the local effect of gravity, and inertia, affect the test weight of the airplane. The apparent gravity at the test conditions varies with latitude, altitude, ground speed, and direction of motion relative to the Earth's axis. The reference gravitational acceleration is the gravitational acceleration for the airplane travelling in the direction of true North in still air at the reference altitude, a geodetic latitude of 45.5 degrees, and based on g_0 (see section A38.2.1.1.5 of this appendix).

A38.5.2.2.1.5 *CG position.* The position of the airplane CG affects the drag due to longitudinal trim. The reference specification is in section A38.2.1.1.6 of this appendix.

A38.5.2.2.1.6 *Electrical and mechanical power extraction and bleed flow.* Electrical and mechanical power extraction, and bleed flow affect the fuel flow. The reference specifications are in sections A38.2.1.2.1 and A38.2.1.2.2 of this appendix.

A38.5.2.2.1.7 *Engine deterioration level.* The requirement in section A38.2.1.2.3 of this appendix addresses the minimum deterioration of an engine that is used to determine SAR. Since engine deterioration is rapid when an engine is new, when used for SAR determination:

A38.5.2.2.1.7.1 Subject to FAA approval, an engine having less deterioration than the reference deterioration level in section A38.2.1.2.3 of this appendix must correct the fuel flow to the reference deterioration using an approved method.

A38.5.2.2.1.7.2 An engine with greater deterioration than the reference deterioration level in section A38.2.1.2.3 of this appendix may be used, and no correction is permitted.

A38.5.2.2.1.8 *Fuel lower heating value.* The fuel lower heating value defines the energy content of the fuel. The lower heating value directly affects the fuel flow at a given test condition. The reference specification is in section A38.2.1.3.2 of this appendix.

A38.5.2.2.1.9 *Reynolds number.* The Reynolds number affects airplane drag. For a given test condition the Reynolds number is a function of the density and viscosity of air at the test altitude and temperature. The reference Reynolds number is derived from the density and viscosity of air from the ICAO standard atmosphere at the reference altitude (see sections A38.2.1.1.2 and A38.2.1.3.1 of this appendix).

A38.5.2.2.1.10 *Temperature.* The ambient temperature affects the fuel flow. The reference temperature is the standard day temperature from the ICAO standard atmosphere at the reference altitude (see section A38.2.1.3.1 of this appendix).

Note.—Post-flight data analysis includes the correction of measured data for data acquisition hardware response characteristics (*e.g.* system latency, lag, offset, buffering, etc.).

A38.5.2.2.2 Correction methods are subject to the approval of the FAA.

A38.5.2.3 Using Specific Air Range to Determine the Fuel Efficiency Metric Value

A38.5.2.3.1 Calculate the SAR values for each of the three reference masses as described in § 38.13, including any corrections to reference specifications, as required under this part. The final SAR value for each reference mass is the simple arithmetic average of all valid test points at the appropriate gross mass, or derived from a validated performance model. No data acquired from a valid test point may be omitted unless approved by the FAA.

A38.5.2.3.2 When an FAA-approved performance model is used, extrapolations to aircraft masses other than those tested may be approved when such extrapolations are consistent with accepted airworthiness practices. Since a performance model must be based on data covering an adequate range of lift coefficient, Mach number, and thrust specific fuel consumption, no extrapolation of those parameters is permitted.

A38.5.3 Validity of Results

A38.5.3.1 A 90 percent confidence interval must be calculated for each of the SAR values at the three reference masses.

A38.5.3.2 If the 90 percent confidence interval of the SAR value at any of the three reference airplane masses—

A38.5.3.2.1 Is less than or equal to ±1.5 percent, the SAR value may be used.

A38.5.3.2.2 Exceeds ±1.5 percent, a penalty equal to the amount that the 90 percent confidence interval exceeds ±1.5 percent must be applied to the SAR value, as approved by the FAA.

A38.5.3.3 If clustered data is acquired separately for each of the three gross mass reference points, the minimum sample size acceptable for each of the three gross mass SAR values is six.

A38.5.3.4 If SAR data is collected over a range of masses, the minimum sample size is 12 and the 90 percent confidence interval is calculated for the mean regression line through the data.

A38.6 Submission of Certification Data to the FAA

The following information must be provided to the FAA in the certification test report for each airplane type and model for which fuel efficiency certification under this part is sought.

A38.6.1 General Information

A38.6.1.1 Designation of the airplane type and model:

A38.6.1.2 Configuration of the airplane as required in § 38.23(a)(3), including CG range, number and type designation of engines and, if fitted, propellers, and any modifications or non-standard equipment expected to affect the fuel efficiency characteristics;

A38.6.1.3 MTOM used for certification under this part;

A38.6.1.4 All dimensions needed for calculation of RGF; and

A38.6.1.5 Serial number of each airplane used to establish fuel efficiency certification in accordance with this part.

A38.6.2 Reference Specifications. The reference specifications used to determine any SAR value as described in section A38.2 of this appendix.

A38.6.3 Test Data. The following measured test data, including any corrections for instrumentation characteristics, must be provided for each of the test measurement points used to calculate the SAR values for each of the reference masses defined in § 38.13(b):

A38.6.3.1 Airspeed, ground speed and true airspeed;

A38.6.3.2 Fuel flow;

A38.6.3.3 Pressure altitude;

A38.6.3.4 Static air temperature;

A38.6.3.5 Airplane gross mass and CG for each test point;

A38.6.3.6 Levels of electrical and mechanical power extraction and bleed flow;

A38.6.3.7 Engine performance:

A38.6.3.7.1 For jet airplanes, engine power setting; or

A38.6.3.7.2 For propeller-driven airplanes, shaft horsepower or engine torque, and propeller rotational speed;

A38.6.3.8 Fuel lower heating value;

A38.6.3.9 When volumetric fuel flow meters are used, fuel specific gravity and kinematic viscosity (see section A38.5.2.2.1.8 of this appendix);

A38.6.3.10 The cumulative error (RSS) of the overall measurement system (see section A38.5.1.7 of this appendix);

A38.6.3.11 Heading, track and latitude;

A38.6.3.12 Stability criteria (see section A38.4.2.2.2 of this appendix); and

A38.6.3.13 Description of the instruments and devices used to acquire the data needed for the determination of SAR, and the individual accuracies of the equipment relevant to their effect on SAR (see sections A38.5.1.6 and A38.5.1.7 of this appendix).

A38.6.4 Calculations and Corrections of SAR Test Data to Reference Specifications. The measured SAR values, corrections to the reference specifications and corrected SAR values must be provided for each of the test measurement points defined in § 38.13(b).

A38.6.5 Calculated Values. The following values must be provided for each airplane

used to establish fuel efficiency certification in accordance with this part:

A38.6.5.1 SAR (km/kg) for each reference airplane mass and the associated 90 percent confidence interval;

A38.6.5.2 Average of the 1/SAR values;

A38.6.5.3 RGF; and

A38.6.5.4 Fuel efficiency metric value.

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 12. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Public Law 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Public Law 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Public Law 112–95 126 Stat 62 (49 U.S.C. 44732 note).

■ 13. Amend § 121.141 by revising paragraph (b) introductory text to read as follows:

§ 121.141 Airplane flight manual.

* * * * *

(b) In each airplane required to have an airplane flight manual in paragraph (a) of this section, the certificate holder shall carry either the manual required by § 121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane Manual. If the certificate holder elects to carry the manual required by § 121.133, the certificate holder must revise the operating procedures sections and modify the presentation of performance data, except for the information required by § 38.23 of this chapter identifying compliance with the fuel efficiency requirements of part 38 of this chapter, from the applicable flight manual if the revised operating procedures and modified performance data presentation are—

* * * * *

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 14. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44705, 44710–44711, 44713, 44716–44717, 44722.

■ 15. Amend § 125.75 by revising paragraph (b) to read as follows:

§ 125.75 Airplane flight manual.

* * * * *

(b) Each certificate holder shall carry the approved Airplane Flight Manual or the approved equivalent aboard each airplane it operates. A certificate holder may elect to carry a combination of the manuals required by this section and § 125.71. If it so elects, the certificate holder may revise the operating procedures sections and modify the presentation of performance from the applicable Airplane Flight Manual if the revised operating procedures and modified performance data presentation are approved by the Administrator. Any approved equivalent must include the information required by § 38.23 of this chapter identifying compliance with the fuel efficiency requirements of part 38 of this chapter.

Issued under authority provided in 42 U.S.C 4321 *et seq.,* 7572, 49 U.S.C. 106(f), 40113, 44701–44702, 44703, and 44704 in Washington, DC.

Kevin Welsh,

Executive Director, Office of Environment and Energy.

[FR Doc. 2022–11556 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 220608–0131]

RIN 0691–AA91

International Services Surveys: Renewal of and Changes to BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons, and Clarifying When BE–140 and BE–180 Benchmark Surveys Are Conducted

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend regulations of the Department of Commerce's Bureau of Economic Analysis (BEA) to renew reporting requirements for the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons. This proposed rule would also amend the regulations for BEA's two other international services benchmark surveys, the BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons and the BE–180 Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons, to clarify when the surveys will be conducted.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before August 15, 2022.

ADDRESSES: You can submit comments, identified by RIN 0691–AA91, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. For Keyword or ID, enter ''EAB–2022–0002.''
- *Email: christopher.stein@bea.gov.*
- *Mail:* Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233.
- *Hand Delivery/Courier:* Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Rd., Suitland, MD 20746.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA through any of the methods above and to the Office of Management and Budget (OMB) by submitting comments at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review'' or by using the search function and entering the title of the collection.

Public Inspection: All comments received are a part of the public record and will generally be posted to *https://www.regulations.gov* without change. Personal identifying information voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. BEA will accept anonymous comments (enter N/A in required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; email *christopher.stein@bea.gov* or phone (301) 278–9189.

SUPPLEMENTARY INFORMATION: The BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons is a

mandatory survey and is conducted once every five years by BEA under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108). The data reported to BEA through this survey are confidential and may be used only for analytical and statistical purposes. A response is required from persons subject to the reporting requirements of the BE–120, whether or not they are contacted by BEA.

The BE–120 benchmark survey covers the universe of selected services and intellectual property transactions of U.S. companies with foreign persons and is BEA's most comprehensive survey of such transactions. The data collected through the BE–120 are needed to monitor U.S. trade in services and intellectual property, to analyze the impact of U.S. trade in these services on the U.S. economy and on foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion activities, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The benchmark data will be used, in conjunction with data collected from a sample of respondents on the companion BE–125 Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons, to produce quarterly estimates of selected services and intellectual property components for BEA's international transactions accounts, national income and product accounts, and industry accounts.

Description of Changes

The proposed changes to the BE–120 survey include changes in data items collected and the design of the survey form. BEA proposes to add three items to the survey. The changes are proposed in response to suggestions from data users and to allow BEA to more closely align its statistics with international guidelines and publish more information on U.S. trade in services. The following items would be added to the BE–120 benchmark survey:

(1) *Questions to collect information on the largest U.S. states (up to three) for sales (exports) and purchases (imports) of services.* Respondents that meet the thresholds ($2 million in combined sales, and/or $1 million in combined purchases) for filing on the mandatory schedules will be required to report information for up to three U.S. states that accounted for the largest shares of their sales and purchases activity. Reporters will be instructed to consider all of their cross-border sales and purchases of services (in aggregate for all transaction types and affiliation categories) and report the U.S. states that represented the largest share of their sales and (separately) their purchases. After identifying the states, reporters would provide an estimate of the percentage of their sales and purchases that were transacted from each state. Collecting information on the percent of total sales and purchases by state would allow BEA to study the feasibility of producing statistics on exports and imports of services by U.S. state and of estimating gross domestic product (GDP) by state using the expenditure approach.

(2) *Questions to collect information on digital intermediation platforms.* BEA proposes to ask if the reporters operated a digital intermediation platform, and if so, the value of their digital intermediation sales and associated transaction categories. All BE–120 respondents that meet the thresholds for filing on the mandatory schedules would be required to respond to these questions. Survey instructions and definitions will be modified to ensure fees and commissions for sales and purchases made through digital intermediation platforms are reported in the correct transaction categories. The collection of information on digital intermediation services would allow BEA to develop estimates of the value of digitally intermediated trade in services.

(3) *Question on employment size class.* To provide information on the distribution of international trade in services by business size, BEA proposes to add a question asking for the employment size class of the consolidated U.S. company. The question would ask all respondents to check a box indicating their employment size class: Very small (0–250), Small (251–500), Medium (501–1,000), Large (1,001–10,000), Very large (>10,000). Data users have expressed interest in data on the number of U.S. small businesses engaged in services trade and the value of their services trade. Collecting this information would allow BEA to aggregate data on small businesses filing the survey by type of service and industry, which data users can use to conduct targeted outreach and promotion efforts in support of small businesses.

Additionally, BEA proposes to modify the remote services schedules (Schedules D and E) to better capture trade in digitally delivered services. Survey instructions will direct reporters to provide an estimate of the percentage of services that were digitally delivered from the U.S. Reporter's domestic offices and provided to the purchaser located abroad via a computer network (via the internet, mobile device, extranet, or other comparable online system). Services provided via manually typed email, telephone, or fax will be excluded. The percentage reported should reflect all interactions with the customer, not just the delivery of the final product.

BEA also proposes to delete the following two items from the BE–120 benchmark survey:

(1) *Transaction categories for ''Other intellectual property'' would be eliminated.* Rights to use other intellectual property (code 8.1), rights to reproduce and/or distribute other intellectual property (code 8.2), and outright sales or purchases of proprietary rights related to other intellectual property (code 8.3) would no longer be collected. BEA typically reclassifies transactions reported to BEA in these categories to research and development (R&D) services (transaction code 29.1, the provision of customized and non-customized R&D services; and, transaction code 29.2, other R&D services, including testing) and to other selected services (transaction code 42). This proposed deletion is consistent with modifications implemented on the BE–125 quarterly survey beginning with reporting for the first quarter of 2022.

(2) *Questions on ''Contract manufacturing services'' would be eliminated.* On the 2017 BE–120 survey, in addition to collecting contract manufacturing services as a stand-alone transaction category in Table 1 and on the mandatory schedules, BEA incorporated additional questions related to contract manufacturing that gathered details regarding the material inputs, as well as the output product of the contract manufacturing services activity, for both sales and purchases activities. As a result of very limited and poor reporting of detail in these questions during the 2017 survey, BEA found little use for the information gathered and therefore proposes to eliminate collection of these details for the 2022 survey. Data will continue to be collected for contract manufacturing sales and purchases in transaction category 35.

BEA proposes to redesign the format and wording of the survey. The new survey design would incorporate improvements that have been made to other BEA surveys. BE–120 benchmark survey instructions and data item descriptions would be changed to improve clarity and ensure that the survey form is consistent with other BEA surveys.

This proposed rule would amend 15 CFR part 801 by modifying §§ 801.3 and 801.11 through 801.13 and removing § 801.9 to clarify the timing of the three international services benchmark surveys: the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons, the BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons, and the BE–180 Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons. The next BE–120 survey will apply to the 2022 fiscal reporting year, and will be conducted once every five years thereafter, for reporting years ending in 2 and 7. Additionally, the next BE–140 survey and BE–180 survey will be collected for the 2023 and 2024 reporting years, respectively, and will continue to be conducted every five years thereafter. The BE–140 will be collected for reporting years ending in 3 and 8, and the BE–140 will be collected for reporting years ending in 4 and 9. See the most recent versions of the BE–120, BE–140, and BE–180 benchmark surveys at *www.bea.gov* for a more detailed description of covered transactions and definitions.

Each time a benchmark survey is to be conducted, BEA will describe any proposed changes to the information collected through the survey (including the addition, deletion, and/or modification of existing questions and definitions) in a public notice and will solicit comments as part of the requirements of the Paperwork Reduction Act (PRA). Any changes to reporting requirements or significant expansions in scope of the surveys would be conducted by rulemaking.

Executive Order 12866

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

Executive Order 13132

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520 (PRA). The proposed requirement will be submitted to OMB for approval as a reinstatement, with change, of a previously approved collection under OMB control number 0608–0058, for which approval has expired. Surveys were collected for the 2017 BE–120 in calendar years 2018 and 2019. No survey submissions were solicited by BEA after the expiration and discontinuance of the collection in June of 2021.

The BE–120 survey, as proposed, is expected to result in the filing of reports from approximately 15,000 respondents. Approximately 11,000 respondents would complete the survey, and approximately 4,000 would file exemption claims. The respondent burden for this collection of information would vary from one respondent to another, but is estimated to average (1) 24 hours for the 5,000 respondents that report data by transaction type, country, and affiliation; (2) 4 hours for the 6,000 respondents that report data by transaction type only; and (3) 1 hour for the 4,000 that file an exemption claim. These burden-hour estimates consider time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden for this survey is estimated at 148,000 hours, or approximately 10 hours per response (148,000 hours/15,000 respondents), compared to 145,000 hours, or about 9.5 hours per response (145,000 hours/15,500 respondents) for the 2017 BE–120 benchmark survey. The increase in burden hours is due to estimated changes in the expected quantity of survey responses, the composition of the respondent universe (those filing full schedule detail vs. totals by transaction type only) from 2017 to 2022, as well as modifications to the content of the survey for those filing schedule detail.

As part of its continuing effort to reduce paperwork and respondent burden, the Department of Commerce invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the PRA. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA and OMB following the instructions given in the **ADDRESSES** section above. Notwithstanding any other provisions of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection displays a currently valid OMB control number.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The changes proposed in this rule are discussed in the preamble and are not repeated here.

A BE–120 report would be required of any U.S. company that had services transactions with foreign persons in any of the covered types of selected services and/or intellectual property. While BEA does not have information on the size of the respondents to the survey, historically the respondents to the existing quarterly survey of transactions in selected services and intellectual property and to the previous benchmark surveys were mostly major U.S. corporations. For U.S. companies that had combined sales exceeding $2 million, and/or combined purchases transactions exceeding $1 million in the transaction categories covered by the survey for the fiscal year, a completed benchmark survey would include data on each of the covered types of services and/or intellectual property transactions with totals disaggregated by country and by relationship to the foreign transactor (foreign affiliate, foreign parent group, or unaffiliated). For U.S. companies that had combined sales of $2 million or less and combined purchases transactions of $1 million or less in the transaction categories covered by the survey for the fiscal year, a completed benchmark would include totals for each type of transaction in which they engaged. This abbreviated benchmark requirement would exclude most small businesses from mandatory reporting of detail by country and by affiliation. Any small businesses that would be required to report would likely have engaged in a small number of covered transactions and would be less likely to report detail

by country and affiliation, and, therefore, would be expected to have below the average burden of 10 hours per response. Therefore, this proposed rule would not have a significant economic impact on a substantial number of small entities, and thus an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, International transactions, Penalties, Reporting and recordkeeping requirements.

Dated: June 8, 2022.

Paul W. Farello,

Associate Director of International Economics, Bureau of Economic Analysis.

For reasons set forth in the preamble, BEA proposes to amend 15 CFR part 801 as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS AND SURVEYS OF DIRECT INVESTMENT

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp. p. 173); and E.O. 12518 (3 CFR, 1985 Comp. p. 348).

■ 2. Amend § 801.3 by revising the introductory text to read as follows:

§ 801.3 Reporting requirements.

Except for surveys subject to rulemaking in §§ 801.7, 801.8, 801.10, 801.11, 801.12, and 801.13, reporting requirements for all other surveys conducted by the Bureau of Economic Analysis shall be as follows:

* * * * *

§ 801.9 [Removed and Reserved]

■ 3. Section 801.9 is removed and reserved.

■ 4. Revise § 801.11 to read as follows:

§ 801.11 Rules and regulations for the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons.

The BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons will be conducted once every five years and covers years ending in 2 and 7. BEA will describe the proposed information collection in a public notice and will solicit comments according to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501–3520).

All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–120 survey are given in this section. More detailed instructions are given on the report form and in instructions accompanying the report form.

(a) *Response required.* A response is required, every fifth year, from persons subject to the reporting requirements of the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons, contained in this section, whether or not they are contacted by BEA. Also, a person, or its agent, that is contacted by BEA about reporting on this survey, either by sending a report form or by written inquiry, must respond in writing pursuant to this section. This may be accomplished by:

(1) Completing and returning the BE–120 by the due date of the survey; or

(2) If exempt, by completing the determination of reporting status section of the BE–120 survey and returning it to BEA by the due date of the survey.

(b) *Who must report.* A BE–120 report is required of each U.S. person that had transactions with foreign persons in the categories covered by the survey during the fiscal year covered by the survey.

(c) *What must be reported.* (1) A U.S. person that had combined sales to foreign persons that exceeded $2 million, and/or combined purchases from foreign persons that exceeded $1 million in the services and intellectual property categories covered by the survey during its fiscal year, on an accrual basis, is required to provide data on total sales and/or purchases of each of the covered types of transactions and must disaggregate the totals by country and by relationship to the foreign transactor (foreign affiliate, foreign parent group, or unaffiliated). The $2 million threshold for sales and the $1 million threshold for purchases should be applied to the covered transactions categories with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $2 million and $1 million thresholds apply separately to sales and purchases, the mandatory reporting requirement may apply to sales only, to purchases only, or to both. The determination of whether a U.S. services provider is subject to this reporting requirement can be based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed manual records search.

(2) A U.S. person that had combined sales to foreign persons that were $2 million or less, and combined purchases from foreign persons that were $1 million or less in the transaction categories covered by the survey during its fiscal year, on an accrual basis, is required to provide the total sales and/or purchases for each type of transaction in which they engaged. The $2 million threshold for sales and the $1 million threshold for purchases should be applied to the covered transactions categories with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $2 million and $1 million thresholds apply separately to sales and purchases, the mandatory reporting requirement may apply to sales only, to purchases only, or to both.

(i) *Voluntary reporting of transactions.* If, during the reporter's fiscal year, combined sales were $2 million or less, and combined purchases were $1 million or less, on an accrual basis, the U.S. person may, in addition to providing the required total for each type of transaction, report sales at a country and affiliation level of detail on the applicable mandatory schedule(s). The estimates can be judgmental, that is, based on recall, without conducting a detailed records search.

(ii) [Reserved]

(3) Any U.S. person that receives the BE–120 survey form from BEA, but is not subject to the reporting requirements, must file an exemption claim by completing the determination of reporting status section of the BE–120 survey and returning it to BEA by the due date of the survey. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary follow-up contact.

(d) *Covered types of services and intellectual property.* Services transactions covered by this survey consist of: Advertising and related services; architectural, engineering, scientific, and other technical services; computer services; construction; financial services (for reporters who are not a financial services providers); franchises and trademarks licensing fees; information services; legal, accounting, management consulting, and public relations services; licenses for the use of outcomes of research and development; licenses to reproduce and/or distribute computer software; licenses to reproduce and/or distribute audiovisual products; maintenance and repair services; manufacturing services; operating leasing services; other business services; personal, cultural, and recreational services; research and development services; primary

insurance premiums and losses (for reporters who are not a U.S. insurance company); space transport services; telecommunications services; trade-related services; and waste treatment and de-pollution, agricultural, and mining services.

(e) *Types of transactions excluded from the scope of this survey.* (1) Financial services transactions conducted by a U.S. financial services provider, all insurance services conducted by a U.S. insurance company, and all travel and transport activities that are not space transport services.

(2) Sales and purchases of goods. Trade in goods involves products that have a physical form, and includes payments or receipts for electricity.

(3) Sales and purchases of financial instruments, including stocks, bonds, financial derivatives, loans, mutual fund shares, and negotiable CDs. (However, securities brokerage is a service.)

(4) Income on financial instruments (interest, dividends, capital gain distributions, etc.).

(5) Compensation paid to, or received by, employees.

(6) Penalties and fines and gifts or grants in the form of goods and cash (sometimes called ''transfers'').

(f) *Due date.* A fully completed and certified BE–120 report, or qualifying exemption claim with the determination of reporting status section completed, is due to be filed with BEA by July 31 of the year after the year covered by the survey.

■ 5. Revise § 801.12 to read as follows:

§ 801.12 Rules and regulations for the BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons.

The BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons will be conducted once every five calendar years and covers years ending in 3 and 8. BEA will describe the proposed information collection in a public notice and will solicit comments according to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501–3520). All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–140 survey are given in this section. More detailed instructions are given on the report form and in instructions accompanying the report form.

(a) *Response required.* A response is required from U.S. insurance companies subject to the reporting requirements of the BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons, contained in this section, whether or not they are contacted by BEA. Also, a U.S. insurance company, or its agent, that is contacted by BEA about reporting on this survey, either by transmission of a report form or by written inquiry, must respond in writing pursuant to this section. This may be accomplished by:

(1) Completing and returning the BE–140 by the due date of the survey; or

(2) If exempt, by completing the determination of reporting status section of the BE–140 survey and returning it to BEA by the due date of the survey.

(b) *Who must report.* A BE–140 report is required of each U.S. insurance company that had insurance transactions with foreign persons in the categories covered by the survey during the calendar year covered by the survey.

(c) *What must be reported.* (1) A U.S. insurance company that had transactions with foreign persons that exceeded $2 million in the insurance categories covered by the survey during its calendar year, on an accrual basis, is required to provide data on the total transactions of each of the covered types of insurance transactions and must disaggregate the totals by country and by relationship to the foreign counterparty (foreign affiliate, foreign parent group, or unaffiliated). The $2 million threshold should be applied to insurance services transactions with foreign persons by all parts of the consolidated domestic U.S. Reporter. The determination of whether a U.S. insurance company is subject to this reporting requirement may be based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed manual records search.

(2) A U.S. insurance company that had transactions with foreign persons that were $2 million or less in the insurance categories covered by the survey during its calendar year, on an accrual basis, is required to provide the total for each type of transaction in which they engaged.

(i) *Voluntary reporting of insurance transactions.* If, during the calendar year covered by the survey, total transactions were $2 million or less in the insurance categories covered by the survey, on an accrual basis, the U.S. insurance company may, in addition to providing the required total for each type of transaction, voluntarily report transactions at a country and affiliation level of detail on the applicable mandatory schedule(s).

(ii) [Reserved]

(3) Any U.S. person that receives the BE–140 survey form from BEA but is not subject to the reporting requirements must file an exemption claim by completing the determination of reporting status section of the BE–140 survey and returning it to BEA by the due date of the survey. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary follow-up contact.

(d) *Covered types of insurance services.* Insurance services covered by the BE–140 survey consist of transactions between U.S. insurance companies and foreign persons for premiums and losses on primary insurance, premiums on reinsurance assumed and ceded, losses on reinsurance assumed and ceded, as well as receipts and payments for auxiliary insurance services.

(e) *Types of transactions excluded from the scope of this survey.* Premiums paid to, or losses received from, foreign insurance companies on direct insurance.

(f) *Due date.* A fully completed and certified BE–140 report, or qualifying exemption claim with the determination of reporting status section completed, is due to be filed with BEA by July 31 of the year after the year covered by the survey.

■ 6. Revise § 801.13 to read as follows:

§ 801.13 Rules and regulations for the BE–180 Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons.

The BE–180 Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons will be conducted every five years and covers fiscal years ending in 4 and 9. BEA will describe the proposed information collection in a public notice and will solicit comments according to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501–3520). All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–180 survey are given in this section. More detailed instructions are given on the report form and in instructions accompanying the report form.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE–180

Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons, contained in this section, whether or not they are contacted by BEA. Also, a person, or its agent, that is contacted by BEA about reporting on this survey, either by sending a report form or by written inquiry, must respond in writing pursuant to this section. This may be accomplished by:

(1) Completing and returning the BE–180 by the due date of the survey; or

(2) If exempt, completing the determination of reporting status section of the BE–180 survey and returning it to BEA by the due date of the survey.

(b) *Who must report.* A BE–180 report is required of each U.S. person that is a financial services provider or intermediary, or whose consolidated U.S. enterprise includes a separately organized subsidiary, or part, that is a financial services provider or intermediary, and that had financial services transactions with foreign persons in the categories covered by the survey during the fiscal year covered by the survey.

(c) *BE–180 definition of financial services provider.* The definition of financial services provider used for this survey is identical to the definition of the term as used in the North American Industry Classification System, United States, Sector 52—Finance and Insurance, and holding companies that own or influence, and are principally engaged in making management decisions for, these firms (part of Sector 55—Management of Companies and Enterprises). For example, companies and/or subsidiaries and other separable parts of companies in the following industries are defined as financial services providers: Depository credit intermediation and related activities (including commercial banking, savings institutions, credit unions, and other depository credit intermediation); non-depository credit intermediation (including credit card issuing, sales financing, and other non-depository credit intermediation); activities related to credit intermediation (including mortgage and nonmortgage loan brokers, financial transactions processing, reserve, and clearinghouse activities, and other activities related to credit intermediation); securities and commodity contracts intermediation and brokerage (including investment banking and securities dealing, securities brokerage, commodity contracts and dealing, and commodity contracts brokerage); securities and commodity exchanges; other financial investment activities (including miscellaneous intermediation, portfolio management, investment advice, and all other financial investment activities); insurance carriers; insurance agencies, brokerages, and other insurance related activities; insurance and employee benefit funds (including pension funds, health and welfare funds, and other insurance funds); other investment pools and funds (including open-end investment funds, trusts, estates, and agency accounts, real estate investment trusts, and other financial vehicles); and holding companies that own, or influence the management decisions of, firms principally engaged in the aforementioned activities.

(d) *What must be reported.* (1) A U.S. person that had combined sales to, or purchases from foreign persons that exceeded $3 million in the financial services categories covered by the survey during its fiscal year, on an accrual basis, is required to provide data on total sales and/or purchases of each of the covered types of financial services and must disaggregate the totals by country and by relationship to the foreign transactor (foreign affiliate, foreign parent group, or unaffiliated). The $3 million threshold for sales and purchases should be applied to financial services transactions with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $3 million threshold applies separately to sales and purchases, the mandatory reporting requirement may apply to sales only, to purchases only, or to both. The determination of whether a U.S. financial services provider is subject to this reporting requirement can be based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed manual records search.

(2) A U.S. person that had combined sales to, or purchases from foreign persons that were $3 million or less in the financial services categories covered by the survey during its fiscal year, on an accrual basis, is required to provide the total sales and/or purchases for each type of transaction in which they engaged. The $3 million threshold for sales and purchases should be applied to financial services transactions with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $3 million threshold applies separately to sales and purchases, the mandatory reporting requirement may apply to sales only, to purchases only, or to both.

(e) *Voluntary reporting of financial services transactions.* If, during the fiscal year, combined sales and purchases were $3 million or less, on an accrual basis, the U.S. person may, in addition to providing the required total for each type of transaction, report sales at a country and affiliation level of detail on the applicable mandatory schedule(s). The estimates can be judgmental, that is, based on recall, without conducting a detailed records search.

(f) *Exemption claims.* Any U.S. person that receives the BE–180 survey form from BEA, but is not subject to the reporting requirements, must file an exemption claim by completing the determination of reporting status section of the BE–180 survey and returning it to BEA by the due date of the survey. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary follow-up contact.

(g) *Covered types of financial services.* Financial services covered by the BE–180 survey consist of transactions between U.S. financial services companies and foreign persons for brokerage, underwriting, financial management, credit-related, credit-cards, financial advisory, financial custody, securities lending, electronic funds transfers, and other financial services.

(h) *Due date.* A fully completed and certified BE–180 report, or qualifying exemption claim with the determination of reporting status section completed, is due to be filed with BEA by July 31 of the year after the year covered by the survey.

[FR Doc. 2022–12796 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR –2022–0450, FRL–9927–01–R02]

Approval and Promulgation of Implementation Plans; New York; Oil and Natural Gas Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the state of New York. The revision provides the State's control measures for facilities within its borders subject to EPA's 2016 Control Techniques Guideline (CTG) for the oil and natural gas industry. The intended effect of this action is to approve this

item into the New York SIP and satisfy the requirement for the CTG. This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 15, 2022.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2022–0450 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Omar Hammad, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3347, or by email at *Hammad.Omar@epa.gov.*

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

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I. Background and Purpose

A. Final Control Techniques Guidelines for the Oil and Natural Gas Industry

On October 27, 2016, EPA published in the **Federal Register** the ''Final Control Techniques Guidelines for the Oil and Natural Gas Industry'' (CTG) (81 FR 74798, October 27, 2016). The CTG provided information to state, local, and tribal air agencies to assist them in determining reasonably available control technology (RACT) for volatile organic compounds (VOC) emissions from select oil and natural gas industry emission sources. CAA section 182(b)(2)(A) requires that for ozone nonattainment areas classified as Moderate or above, states must revise their SIPs to include provisions to implement RACT for each category of VOC sources covered by a CTG document. CAA section 184(b)(1)(B) extends the RACT obligation to all areas of states within the Ozone Transport Region (OTR). In addition to New York being classified as nonattainment for the 2008 and 2015 ozone standards for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT area, New York is a member state of the OTR. States subject to RACT requirements are required to adopt controls that are at least as stringent as those found within the CTG either via the adoption of regulations, or by issuance of single source orders or permits that outline what the source is required to do to meet RACT.

B. Finding of Failure To Submit

On October 29, 2020,[1] the U.S. Environmental Protection Agency (EPA) found that California, Connecticut, New York, Pennsylvania, and Texas failed to submit State Implementation Plan (SIP) revisions in a timely manner to satisfy the Clean Air Act's reasonably available control technology requirements (RACT) associated with EPA's 2016 Oil and Natural Gas Industry Control Techniques Guidelines (CTG).

These findings of failure to submit established a 24-month deadline for EPA to either approve SIPs or finalize Federal Implementation Plans (FIPs) that address the CTG in each area or OTR state. This action also established timelines for the implementation of two mandatory sanctions that will begin if the named states do not submit complete SIPs to address the CTG: (1) Eighteen months after the effective date of these findings, a 2-to-1 offset ratio for the nonattainment New Source Review (NSR) permitting program will go into effect, such that for every unit of VOC or nitrogen oxide (NO_X) emissions a new or modified source will contribute to the nonattainment area or OTR state, two units must be reduced; and (2) six months after the date of offset sanctions, federal highway funding may be withheld in nonattainment areas. For the OTR states, such highway sanctions would apply only in nonattainment areas in those states. If the OTR state does not contain any nonattainment areas, then the highway sanctions would not apply in that state.

II. Summary of New York's Submission and EPA's Analysis

On March 21, 2022, New York submitted for approval a SIP revision to incorporate the adoption of Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 200, ''General Provisions,'' and Part 203, ''Oil and Natural Gas Sector,'' as adopted on January 18, 2022.[2] Part 200, section 200.9, amends Table 1 to add regulation 203–7.1(a) with a Code of Federal Regulations (CFR) citation of ''40 CFR part 60, appendix A–7 (July 1, 2017).'' Part 203 sets monitoring, operational, and reporting requirements for the oil and natural gas sector statewide. The adoption of part 203 is meant to satisfy the requirements to implement EPA's 2016 Oil and Natural Gas CTG within the 2008 and 2015 ozone nonattainment areas and statewide OTR requirements.

203–1 Applicability

Part 203 applies to owners and operators of equipment and components that are associated with sources in the following oil and natural gas sectors: (1) Oil and natural gas production, (2) oil, condensate, and produced water separation and storage; (3) natural gas storage; (4) natural gas gathering and boosting; (5) natural gas transmission and compressor stations; and (6) natural gas metering and regulating stations. Part 203 does not apply to distributing gas utilities or to equipment and components located downstream of a Citygate.

EPA's 2016 CTG applies to: (1) Storage vessels, such as a tanks or other vessels in the oil and natural gas industry that contain an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that are constructed primarily of non-earthen materials (such as wood, concrete, steel, fiberglass, or plastic) that provide structural support; (2) compressors, applicable to centrifugal and reciprocating compressors in the oil and natural gas industry located between the wellhead and point of custody transfer to the natural gas transmission and storage segment; (3)

[1] The finding of failure to submit for the oil and natural gas CTG was issued for the 2008 NAAQS on November 16, 2020 (85 FR 72963, November 16, 2020), with an effective date of December 16, 2020, and for the 2015 NAAQS on December 16, 2021 (86 FR 71385, December 16, 2021), with an effective date of January 18, 2022.

[2] The submittal was deemed complete on April 8, 2022, this completeness determination stops the 2–1 NSR offset ratio and federal highway funding sanction clocks.

pneumatic controllers, applicable to natural gas-driven pneumatic controllers in the oil and natural gas industry located between the wellhead and a natural gas processing plant (including the natural gas processing plant) or between the wellhead and the point of custody transfer to an oil pipeline; (4) pneumatic pumps, applicable to natural gas-driven chemical/methanol and diaphragm pumps located at natural gas processing plants and well sites; (5) equipment leaks from natural gas processing plants, applicable to the group of all equipment (except compressors and sampling connection systems) within a process unit located at a natural gas processing plant in VOC service or in wet gas service, and any device or system that is used to control VOC emissions (*e.g.,* a closed vent system); and (6) fugitive emissions from well sites and gathering boosting stations, applicable to the collection of fugitive emissions components at well sites with an average production of greater than 15 barrel equivalents per well per day (15 barrel equivalents) and the collection of fugitive emissions components at gathering and boosting stations in the production segment.

EPA finds that Subpart 203–1 of New York's part 203, ''Oil and Natural Gas Sector'' satisfies the applicability requirements of the 2016 CTG and applies to a wider range than what is required in the 2016 CTG. Part 203 applies to all wells in New York. The New York State Department of Environmental Conservation (NYSDEC) did not adopt an exemption for lower-producing wells.

Subparts 203–2, ''Oil and Natural Gas Well Activities,'' 203–3, ''Natural Gas Gathering Lines,'' 203–4.1, ''Storage Vessels,'' and 203–4.2, ''Natural Gas Actuated Pneumatic Devices and Pumps''

Subparts 203–2, 203–3, and 203–4.1 require all storage vessels located at oil and natural gas well sites with a potential to emit greater than or equal to six tons per year (tpy) of VOC to either have a vapor control efficiency of 95 percent if installed prior to 2023, or to not vent to the atmosphere if installed after January 1, 2023.

Subparts 203–2, 203–3, and 203–4.2 require natural gas actuated pneumatic devices and pumps located at oil and natural gas well sites, gathering and boosting locations and compressor stations to prevent venting of natural gas to the atmosphere beginning on January 1, 2023, except for devices installed prior to 2023, that may be used provided they do not vent natural gas at a rate greater than six standard cubic feet per hour (scfh). When the device is idle and not actuating, the devices must be clearly marked with a permanent tag that identifies the vented emissions rate as less than or equal to six scfh. Devices must be tested by January 1, 2024, and then tested annually thereafter, no later than 13 months, and no earlier than 11 months from the previous test using a direct measurement method (high volume sampling, bagging, calibrated flow measuring instrument). Any device with a measured emissions flow rate greater than six scfh shall be successfully repaired within 14 days from the date of the initial emission flow rate measurement. Beginning January 1, 2023, intermittent bleed natural gas actuated pneumatic devices shall comply with the leak detection and repair (LDAR) requirements specified in Subpart 203–7 when the device is idle and not controlling. Beginning January 1, 2023, natural gas actuated pneumatic pumps shall not vent natural gas to the atmosphere and shall comply with the LDAR requirements specified in Subpart 203–7.

EPA's 2016 CTG lists various control options, such as routing emissions to a process via a vapor recovery unit (VRU) with a 95 percent efficiency, routing emissions to a combustion device with an at least 95 percent efficiency or routing the emissions to a VRU with a combustion device as a backup with an assumed 95 percent emission reduction. The recommended RACT level of control in the CTG is a continuous 95 percent reduction of VOC.

EPA's 2016 CTG requires each diaphragm pump located at a well site capture and route VOC emissions to an existing control device or process that is located onsite, unless it is technically infeasible to route emissions to the existing control device or process. 95 percent control of VOC emissions must be controlled, unless the existing control device or process cannot achieve 95 percent control. If the existing control device cannot achieve a 95 percent control efficiency, the emissions must nevertheless be routed to the existing onsite control device to control emissions to the extent achievable. Documentation of the percent control that the onsite control device is designed to achieve must be maintained. If there is no existing control device at the location of the pump, a certification that there is no device must be submitted. If a control device is subsequently added to the site where the pump is located, then the VOC emissions from the pump must be captured and routed to the newly installed control device.

EPA finds that Subparts 203–2, 203–3, 203–4.1, and 203–4.2 of New York's Part 203, ''Oil and Natural Gas Sector'' satisfy, and go beyond the storage vessel and pneumatic pump RACT requirements of the 2016 CTG by requiring at least a 95 percent emission control efficiency for storage vessels installed prior to 2023 and eliminating venting for storage vessels installed after January 1, 2023. Similarly, prohibiting venting for pneumatic pumps at oil and natural gas wells, gathering and boosting locations, and compressor stations installed after January 1, 2023, and limiting the measured emissions flow rate to six scfh for devices installed prior to 2023 satisfy the RACT requirements of the 2016 CTG.

Subpart 203–4, ''Natural Gas Transmission Pipelines and Compressor Stations''

Subpart 203–4.3 applies to centrifugal natural gas compressors located at natural gas transmission compressor stations, and natural gas underground storage facilities. This subpart does not apply to centrifugal natural gas compressors that operate less than 200 hours over a rolling 12-month period. Beginning on January 1, 2023, centrifugal compressors with wet seals shall control the wet seal vent gas with the use of a vapor collection system as described in Subpart 203–8 or shall replace the wet seal with a dry seal. Beginning on January 1, 2023, components on driver engines and compressors that use a wet seal, or a dry seal shall comply with the LDAR requirements specified in Subpart 203–7. The compressor wet seal shall be measured annually by direct measurement (high volume sampling, bagging, calibrated flow measuring instrument) while the compressor is running at normal operating temperature in order to determine the wet seal emission flow rate. A compressor with a wet seal emission flow rate greater than three scfm, or a combined flow rate greater than the number of wet seals multiplied by three scfm, shall be successfully repaired within 30 days of the initial flow rate measurement.

Subpart 203–4.4 applies to reciprocating natural gas compressors located at natural gas transmission compressor stations, and natural gas underground storage facilities. This subpart does not apply to reciprocating natural gas compressors that operate fewer than 200 hours over a rolling 12-month period. Beginning on January 1, 2023, components on driver engines and

compressors shall comply with the LDAR requirements specified in Subpart 203–7, with the exception of the rod-packing components, the compressor rod packing, or seal emission flow rate through the rod packing, or seal vent stack, which shall be measured annually by direct measurement (high volume sampling, bagging, calibrated flow measuring instrument) while the compressor is running at normal operating temperature. Beginning on January 1, 2023, compressor vent stacks used to vent rod packing or seal emissions shall be controlled with the use of a vapor collection system as specified in Subpart 203–8. A compressor with a rod packing or seal with a measured emission flow rate greater than two scfm, or a combined rod packing or seal emission flow rate greater than the number of compression cylinders multiplied by two scfm, shall be successfully repaired within 30 days from the date of the initial emission flow rate measurement.

Subpart 203–4.5 applies to blowdown activity at compressor stations and transmission pipelines greater than 10,000 standard feet cubed (scf) and requires notification to the NYSDEC and appropriate local authorities of at least 48 hours in advance of a planned blowdown event. If any of the information reported prior to the blowdown changed during or after the blowdown, another notification to the NYSDEC and appropriate local authorities shall be made with the updates no later than 48 hours after the end of the planned blowdown. For unplanned blowdowns, notification to the NYSDEC and appropriate local authorities must be provided within 30 minutes of blowdown, or as soon as it is safe to do so.

Subpart 203–4.6 applies to any Pigging activity along natural gas pipelines and requires recording and reporting Pigging activities and estimated natural gas loss to the NYSDEC by March 31st of each year for the previous calendar year.

EPA's 2016 CTG requires VOC emissions to be reduced by at least 95 percent (the recommended RACT level of control) from a centrifugal compressor equipped with a wet seal when using a control device or other control measure (such as routing to a process). The centrifugal compressor should be equipped with a cover that is connected through a closed vent system that routes emissions to the control device (or process) that meets the RACT level of control. The CTG does not recommend that RACT apply to individual centrifugal compressors using wet seals located at a well site, or an adjacent well site that services more than one well site. The 2016 CTG recommends that each reciprocating compressor reduce VOC emissions by replacing the rod packing on or before 26,000 hours of operation or 36 months from the date of the last rod packing replacement. It also recommends that an alternative be provided to allow routing of rod packing emissions to a process via a closed vent system under negative pressure in lieu of the specified rod packing replacement periods. The CTG does not recommend that RACT apply to individual reciprocating compressors located at a well site, or an adjacent well site that services more than one well site.

EPA finds that Subpart 203–4 of New York's part 203, ''Oil and Natural Gas Sector'' satisfies or goes beyond the requirements of the CTG. Subpart 203–4 goes beyond the CTG by requiring the use of vapor collection systems and vapor control devices for centrifugal compressors equipped with a wet seal, as well as requiring notification for any blowdown or Pigging activities. Subpart 203–4 satisfies the CTG by requiring reciprocating natural gas compressors to detect leaks and repair them and requiring direct annual measurement for the rod packing components, the compressor rod packing or seal emission flow rate through the rod packing, or seal vent stack.

Subparts 203–5, ''Natural Gas Underground Storage Facilities'' and 203–6, ''City Gate''

Subparts 203–5 and 203–6 apply to natural gas underground storage facilities and metering and regulating components and require LDAR as specified in Subpart 203–7.

EPA's 2016 CTG applies RACT to equipment leaks from natural gas processing plants and recommends that RACT for natural gas processing plants be the implementation of an LDAR program equivalent to what is required under 40 CFR part 60 subpart VVa for equipment (with the exception of compressors and sampling connection systems) in VOC service.

EPA finds that Subparts 203–5 and 203–6 of New York's part 203, ''Oil and Natural Gas Sector'' satisfy and go beyond, the requirements of the 2016 CTG. The NYSDEC requires LDAR, as specified in Subpart 203–7, in order to monitor for methane (CH4) and VOC.

Subpart 203–7, ''Leak Detection and Repair''

Subpart 203–7 does not apply to components that are: (1) Buried below ground, (2) used to supply compressed air to equipment or instrumentation, (3) operating under a negative gauge pressure, or below atmospheric pressure, or (4) used for general maintenance for fewer than 15 days over a 12-month period if the owner or operator maintains for at least five years, and can make available at the request of the NYSDEC, a record of the date when the components were installed and removed. Subpart 203–7 also does not apply to pneumatic devices or pumps that use compressed air or electricity to operate and a compressor rod packing, which is subject to annual emission flow rate testing as specified in Subpart 203–4.4.

Subpart 203–7.1 requires all owners and operators to comply by either: (1) Opting to comply using EPA Method 21, where fugitive emission is defined as an instrument reading of 500 ppm CH4 and VOC, 500 ppm or greater of CH4 and VOC using a Flame Ionization Detector (FID)-based instrument, and if an analyzer other than a FID-based instrument is used, a site-specific fugitive emission definition must be developed by the owner or operator that would be equivalent to 500 ppm of CH4 and VOC using a FID-based instrument. Such site-specific fugitive emission definition is subject to approval by the NYSDEC; (2) using optical gas imaging (OGI) equipment that is capable of imaging gases in the spectral range for CH4 and VOC in the potential fugitive emissions, and whose calibration and maintenance procedures comply with those recommended by the manufacturer; and (3) using alternative techniques that are approved by the NYSDEC in lieu of, or in combination with, OGI, Method 21, or other previously approved alternative methods. A proposed alternative method must be able to demonstrate that it is capable of identifying leaks and that it is at least as effective as the leak detection methods achieved using Method 21 or OGI.

Subpart 203–7.2, ''LDAR Frequency,'' requires that for oil and natural gas wells, wellheads, and components subject to Subpart 203–2, each well site shall be inspected by OGI, Method 21 or similar approved alternative method semiannually, or one time over 24 months if using an approved alternative method which offers continuous monitoring. For natural gas gathering and boosting components subject to Subpart 203–3, each gathering and boosting station shall be inspected by OGI, Method 21 or similar approved alternative method quarterly, or one time over 24 months if using an approved alternative method which offers continuous monitoring. Natural gas transmission compressor station

components subject to Subpart 203–4 shall be inspected by OGI, Method 21, or similar approved alternative method bimonthly, at least 45 days apart, or one time over 12 months if using an approved alternative method which offers continuous monitoring. Storage facility components subject to Subpart 203–5 shall be inspected by OGI, Method 21, or similar approved alternative method bimonthly, at least 45 days apart, or one time over 12 months if using an approved alternative method which offers continuous monitoring. City gate components subject to Subpart 203–6 shall be inspected by OGI, Method 21, or similar approved alternative method quarterly, or one time over 12 months if using an approved alternative method which offers continuous monitoring.

Subpart 203–7.3 applies to leaks and requires, upon detection of a leak from any equipment or component subject to part 203, that the owner or operator affix to that component a weatherproof, readily visible tag that identifies the date and time of leak detection. The owner or operator shall maintain for at least five years, and make available upon request by the NYSDEC, a record of leaks identified, and shall report to the NYSDEC within 60 days after the re-inspection of repaired leaks is complete. Leaks shall be repaired within 30 days of identification. Repaired leaks shall be re-inspected using the methods specified in subpart 203–7 within 15 days of repair. Critical components or critical process units shall be successfully repaired by the end of the next process shutdown or within 12 months from the date of initial leak detection, whichever is sooner. A delay of repair may be granted by the NYSDEC under the following conditions: (1) The owner or operator can demonstrate that the parts or equipment required to make necessary repairs have been ordered. A delay of repair to obtain parts or equipment shall not exceed 30 days, unless the owner or operator notifies the NYSDEC to report the delay and provides an estimated time by which the repairs will be completed, or (2) a gas service utility can provide documentation, in a form suitable to the NYSDEC, that a system has been temporarily classified as critical to reliable public gas system operation as ordered by the utility's gas control office.

EPA's 2016 CTG applies RACT to equipment leaks from natural gas processing plants and recommends that RACT for natural gas processing plants be the implementation of an LDAR program equivalent to what is required under 40 CFR part 60 subpart VVa for equipment (with the exception of compressors and sampling connection systems) in VOC service. The subpart VVa leak detection and repair program requires the annual monitoring of connectors using an organic vapor analyzer (OVA) or toxic vapor analyzer (TVA) (with leaks defined as readings of at least 500 ppm), monthly monitoring of valves (where again, leaks are defined as readings of at least 500 ppm), and requires open-ended lines and pressure relief devices to operate with no detectable emissions (defined as emissions of less than 500 ppm above background).

EPA finds that Subpart 203–7 of New York's part 203, ''Oil and Natural Gas Sector'' satisfies and goes beyond the requirements of the 2016 CTG. The NYSDEC requires LDAR, as specified in Subpart 203–7 in order to monitor for CH4 and VOC.

Subpart 203–8, ''Vapor Collection Systems and Vapor Control Devices''

Beginning on January 1, 2023, Subpart 203–8 applies to equipment that must be controlled using a vapor collection system and control device pursuant to the requirements specified in Part 203. The vapor collection system shall direct the collected vapors to a sales gas system, or a fuel gas system. If no sales gas system or fuel gas system is available at the facility, the owner or operator must control the collected vapors by January 1, 2024. Any vapor control device required must achieve at least 95 percent vapor collection control efficiency of total emissions and must meet all applicable federal and state requirements. Vapor collection systems and control devices may be taken out of service for up to 30 days per rolling 12-month period to perform maintenance while the facility continues to operate. A time extension to perform maintenance not to exceed 14 days per 12-month period may be granted by the NYSDEC. If an alternate vapor control device compliant with section 203–8.1 is installed prior to conducting maintenance, and the vapor collection and control system continues to collect and control vapors during the maintenance operation consistent with the applicable standards specified in Subpart 203–8, the event does not count towards the 30-day limit. Vapor collection system and control device shutdowns that result from emergencies are not subject to enforcement action, provided the equipment resumes normal operation immediately after the emergency.

EPA's 2016 CTG states that routing emissions to a process via a vapor recovery unit (VRU) should have at least a 95 percent efficiency rating.

EPA finds that Subpart 203–8 of New York's part 203, ''Oil and Natural Gas Sector'' satisfies and goes beyond the requirements of the CTG by requiring vapor recovery and control for a wider range of applications in the oil and natural gas industry.

Subpart 203–9, ''Feasibility and Safety''

Subpart 203–9 states that a repair or replacement may not be delayed unless it results in a vented blowdown, a gathering and boosting station shutdown, a well shutdown, a well shut-in, or rationale for continued operation is submitted to the NYSDEC to be later deemed technically infeasible or unsafe by the New York State Department of Public Service or other federal or state regulatory agency.

The repair or replacement delay may be extended until the next compressor station shutdown, the next gathering and boosting station shutdown, well shutdown, well shut-in, the next unscheduled, planned or emergency vent blowdown, or within one year.

EPA's 2016 CTG recommends certain RACT control requirements with functional and safety exceptions.

EPA finds that Subpart 203–9 of New York's part 203, ''Oil and Natural Gas Sector'' satisfies the requirements of the 2016 CTG.

Subpart 203–10, ''Reporting and Recordkeeping''

Subpart 203–10.1 requires baseline reporting and applies to all sources as described in Section 203–1. Owners or operators of components or processes subject to Subpart 203–10 must submit a report to the NYSDEC by March 31, 2023, or by March 31st of the year following initiation of operation. The report shall be in a format approved by the NYSDEC and shall list the number and type of components, including but not limited to the following: (1) Separators, (2) storage vessels, (3) compressors, (4) gas drying systems, (5) pneumatic devices, and (6) metering and regulating systems.

Subpart 203–10.2 requires recordkeeping. The recordkeeping requirements for reciprocating natural gas compressors are to maintain for at least five years the following: (1) A record from the date of each rod packing leak concentration measurement found above the minimum leak threshold as defined in Section 203–4.4; (2) a record of each rod packing emission flow rate measurement from the date of each emissions flow rate measurement; (3) a record that documents the date(s) and hours of operation a compressor is

operated in order to demonstrate compliance with the rod packing leak concentration or emission flow rate measurement in the event that the compressor is not operating during a scheduled inspection; and (4) records that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

Owners or operators of centrifugal natural gas compressors must maintain, for at least five years, the following: (1) A record of each wet seal emission flow rate measurement from the date of each emissions flow rate measurement; (2) a record that documents the date(s) and hours of operation a compressor is operated in order to demonstrate compliance with the wet seal emission flow rate measurement in the event that the compressor is not operating during a scheduled inspection; and (3) records that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

Owners or operators of natural gas actuated pneumatic devices and vapor collection system and vapor control devices must maintain, for at least five years, the following: (1) A record of the emission flow rate measurement; (2) a record of each LDAR inspection; (3) component leak and repair documentation from the date of each inspection; (4) records that provide proof that parts or equipment required to make necessary repairs have been ordered and installed; and (5) gas service utility records that demonstrate that a system has been temporarily classified as critical to reliable public gas operation throughout the duration of the classification period.

EPA's 2016 CTG recommends that air agencies specify operating, recordkeeping, and reporting requirements to document compliance with the CTG. When implementing an LDAR program, the CTG recommends that air agencies consider including recordkeeping requirements that require owners/operators of subject facilities to maintain a list of identification numbers for all equipment subject to an equipment leak regulation. The CTG appendix includes annual recordkeeping and reporting requirements for pneumatic controllers, compressors, pneumatic pumps, and fugitive emissions.

EPA finds that Subpart 203–10 of New York's part 203, ''Oil and Natural Gas Sector,'' satisfies the requirements of the 2016 CTG.

III. Proposed Action

EPA is proposing to approve New York's part 200 ''General Provisions'' section 200.9 amendment to Table 1 to add regulation 203–7.1(a) with a CFR citation of ''40 CFR part 60, appendix A–7 (July 1, 2017).'' EPA is also proposing to approve part 203, ''Oil and Natural Gas Sector'' control measure because it satisfies the 2016 Oil and Natural Gas Industry CTG. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the adoption of Title 6 of the NYCRR part 203, ''Oil and Natural Gas Sector'' of the New York Administrative Code that implements New York's RACT regulations for the oil and gas CTG, including attendant revisions to 6 NYCRR part 200, ''General Provisions,'' section 200.9, Table 1, ''Referenced material,'' as described in section II of this preamble.

The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 382, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking action, pertaining to New York's oil and gas sector control measures submission, is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Lisa Garcia,

Regional Administrator, Region 2.

[FR Doc. 2022–12831 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 87, No. 115

Wednesday, June 15, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 10, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 15, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Agriculture Organisms and Vectors; Import and Transport Permits.

OMB Control Number: 0579–0213.

Summary of Collection: The Animal Health Protection Act of 2002 (the Act, 7 U.S.C. 8301 *et seq.*) authorizes the U.S. Department of Agriculture (USDA) to provide for the oversight of the importation, entry, and movement in the United States of animals, pests, or diseases, or any material or tangible object that could harbor them. Under the Act, USDA regulates certain organisms, biological agents, toxins, vectors, and animal products that have the potential to pose a severe threat to animal health or to animal products through the risk of disease or pest introduction.

The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within USDA. APHIS regulations for these activities are contained in 9 CFR part 94 (animals or animal products), 9 CFR part 95 (animal by-products) and 9 CFR part 122 (organisms and vectors). The regulations require an individual or entity, unless specifically exempted under the regulations, to apply for and be granted, by APHIS, a permit authorizing specific import or transport activities for regulated materials prior to engaging in the activities.

Need and Use of the Information: The permit application process entails the use of forms designed to obtain critical information concerning individuals or entities seeking a permit, as well as the specific characteristics of the material to be permitted. This data is needed, in part, to allow APHIS to assess the risk of importing or transporting the material, as well as the biosecurity and biosafety mitigations in place at the receiving location. This, in turn, enables APHIS to ensure that appropriate safeguard, containment, and disposal requirements commensurate with the risk of the materials are implemented during transport, import, and upon receipt to protect against the spread or introduction of disease. If the information was collected less frequently or not collected, APHIS' efforts to aggressively prevent agricultural disease or adverse health impacts in the United States would be compromised.

Description of Respondents: Private Sector.

Number of Respondents: 3,214.

Frequency of Responses: Reporting.

Total Burden Hours: 6,055.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–12867 Filed 6–14–22; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Ohio Advisory Committee (Committee) will hold a web meeting via Zoom on Tuesday, July 19, 2022, at 12:00 p.m. Eastern Time. The purpose of the meeting is to discuss the concept stage in the planning process and explore various civil rights topics for the Committee's project.

DATES: The meeting will be held on: Tuesday, July 19, 2022, at 12:00 p.m. Eastern Time.

Online Registration: https://tinyurl.com/mrhc4xbu.

Join by Phone: 1–551–285–1373 US; Meeting ID: 161 481 1462.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 1–202–618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number (audio only) or online registration link (audio/visual). An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no

charge for calls they initiate over land-line connections to the toll-free telephone number. Individual who is deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Introduction
III. Stage-Gate Process
IV. Proposed Civil Rights Topics
V. Next Steps
VI. Public Comments
VII. Adjournment

Dated: June 10, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–12894 Filed 6–14–22; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Arkansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Arkansas Advisory Committee (Committee) will hold two virtual (online) business meetings Wednesday, July 13, 2022 at 1:00 p.m. Central Time and Friday, August 5, 2022 at 1:00 p.m. Central Time. The purpose of these meetings is for the Committee to discuss its draft report and recommednations regarding IDEA compliance and implementation in Arkansas schools.

Meeting Details

Wednesday, July 13, 2022 at 1:00 p.m.–2:00 p.m. Central time.

- *Web Access (audio/visual):* Register at: *http://www.shorturl.at/kIMQS*
- *Phone Access (audio only):* Dial 1–669 254–5252, Meeting ID 160 054 1563

Friday, August 5, 2022 at 1:00 p.m.–2:00 p.m. Central time.

- *Web Access (audio/visual):* Register at: *http://www.shorturl.at/duQU3*
- *Phone Access (audio only):* Dial 1–669 254–5252, Meeting ID 161 563 8449

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal Officer, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may join online or listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Arkansas Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Discussion: IDEA Compliance and Implementation in Arkansas School
III. Public Comment
VI. Adjournment

Dated: June 10, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–12893 Filed 6–14–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–24–2022]

Foreign-Trade Zone (FTZ) 61—San Juan, Puerto Rico; Notification of Proposed Production Activity; Boehringer Ingelheim Animal Health Puerto Rico LLC (Pharmaceutical Products/Canine); Barceloneta, Puerto Rico

Boehringer Ingelheim Animal Health Puerto Rico LLC (Boehringer Ingelheim) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Barceloneta, Puerto Rico within FTZ 61. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 7, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include finished (packaged) and semi-finished (unpackaged) antiparasitic chewable tablets for canines (duty rate is duty-free).

The proposed foreign-status materials and components include afoxolaner, milbemycin oxime, plastic film for packaging, and plastic bags/pouches for packaging (duty rate ranges from 3.0 to 6.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 25, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: June 9, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–12901 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2022]

Foreign-Trade Zone (FTZ) 281—Miami-Dade County, Florida; Notification of Proposed Production Activity; EUSA Global LLC (Medical Equipment); Medley, Florida

EUSA Global LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Medley, Florida under FTZ 281. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 7, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include: optical heads for colposcope or microscope with LED light source; optical heads for colposcope or microscope with video; optical heads for colposcope or microscope with LED light source, with video; LED light source; LED portable light source; LED portable head light source; endoscopes; sinuscopes; otoscopes; laryngoscopes; and, video cameras for endoscopy (duty-free).

The proposed foreign-status materials and components include: plastic carrying cases for LED lights and devices; head band holders; LED light sources; plastic 35mm adapters for c-mount cameras; metal adapters for endoscopes; connector cables; metal carrying cases for endoscopes; cooling fans; heat sinks; power supplies for video cameras; LED drivers; power supplies for LED light sources; video cameras; camera heads; housings for video splitters; metal housings for protecting electrical circuits; knobs; metal housings for printed circuit assemblies; battery chargers/power supplies; hemi filters; power sockets; hemi protection filters; power switches; LED holders; LEDs (high power); power cables; video cables; lithium-ion rechargeable batteries; optical assemblies for endoscopes; optics; binoculars; variable focal lenses; fixed focal lenses; ''T'' handpieces for scope heads; optical splitters; eye pieces; video adapters; video splitters; c-mount adapters; colposcope/microscope, optical magnification changers; LED Illuminators; and, mounted LEDs with optics with portable lithium-ion batteries (duty rate ranges from duty-free to 7.6%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 25, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: June 9, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–12896 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Quicksilver Manufacturing, Inc., 8209 Market St. #A173, Wilmington, NC 28411; Rapid Cut LLC, 8209 Market St. #A173, Wilmington, NC 28411; U.S. Prototype, Inc., 8209 Market St. #A173, Wilmington, NC 28411; Order Temporarily Denying Export Privileges

Pursuant to Section 766.24 of the Export Administration Regulations (the ''Regulations'' or ''EAR''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: Quicksilver Manufacturing, Inc. (''Quicksilver''), Rapid Cut LLC (''Rapid Cut''), and U.S. Prototype, Inc. (U.S. Prototype).

OEE's request and related information indicates that these three parties use the same rental mailbox located in Wilmington, NC, which was opened by Quicksilver's Vice President of Operations who was involved in some of the conduct described *infra.* Additionally, the investigation reveals that another Quicksilver officer is listed as the president and registered agent for US Prototype and the designated representative for Rapid Cut's corporate banking account.

I. Legal Standard

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''[l]ack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

Pursuant to Sections 766.23 and 766.24, a temporary denial order

[1] On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. App. 2401 *et seq.* (''EAA''), (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* (''IEEPA''), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

(''TDO'') may also be made applicable to other persons if BIS has reason to believe that they are related to a respondent and that applying the order to them is necessary to prevent its evasion. 15 CFR 766.23(a)–(b) and 766.24(c). A ''related person'' is a person, either at the time the TDO's issuance or thereafter, who is related to a respondent ''by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.'' 15 CFR 766.23(a). Related persons may be added to a TDO on an *ex-parte* basis in accordance with Section 766.23(b) of the Regulations. 15 CFR 766.23(b).

II. OEE'S Request for a Temporary Denial Order

As further detailed below, OEE's request is based upon facts indicating that Respondents engaged in conduct prohibited by the Regulations by exporting or causing the export from the United States of controlled technology to China for 3D printing without the required U.S. government authorization. ''Export'' is defined in the EAR as an ''actual shipment or transmission out of the United States, including the sending or taking of an item out of the United States, in any manner.'' 15 CFR 734.13(a)(1).[2]

A. Unlicensed Export of National Security Controlled Technology to China

In or about February 2020, OEE was alerted by a U.S. aerospace and global defense technology company, on behalf of its wholly-owned subsidiary, (collectively ''U.S. Company 1''), of an export-control violation committed by a third-party supplier involving the unauthorized export of controlled satellite technology to the People's Republic of China (''China''). OEE's investigation revealed that in or about July 2017, satellite parts were ordered from Quicksilver in Wilmington, North Carolina. Quicksilver markets itself as a company that specializes in fabrication and metalworking, including 3D-printing, injection molding, and laser-cut sheet metal prototypes, among other manufacturing services.

As part of the transaction, Quicksilver was provided approximately a dozen technical drawings and 3D graphic/computer aided drawing files, items subject to the Regulations, intended to be used by Quicksilver to manufacture the components to the identified specifications. The components would then be provided to U.S. Company 1 for use in a prototype space-satellite.

On or about July 6, 2017, a Quicksilver employee using an *@quicksilver-mfg.com* email address signed a Mutual Non-Disclosure Agreement (''NDA''). The NDA contains, in part, the following language related to United State export laws and regulations:

> EXPORT CONTROL. The Parties acknowledge that the Proprietary Information and any related materials or information provided under this Agreement may be subject to United States export laws and regulations, including but not limited to the International Traffic in Arms Regulations and the Export Administration Regulations. The Parties agree that all activities under this Agreement will be conducted in strict compliance with the United States export laws and regulations. The Receiving Party shall not distribute, transfer, or transmit any Proprietary Information and related materials or information (even if incorporated into other products) except in compliance with the United States export laws and regulations. The Receiving Party shall first obtain the written consent of the Disclosing Party prior to submitting any request to any governmental entity for authority to export any Proprietary Information and related materials or information or conducting any export or reexport of information or services pursuant to the United States export laws and regulations.

On or about July 11, 2017, Quicksilver's Vice President of Operations using an *@quicksilver-mfg.com* email address was asked to ''please quote price and delivery'' for several specified drawings. Technical drawings, item subject to the Regulations, classified under Export Control Classification Number 9E515, and controlled for National Security reasons were attached to the email.[3] These items were subject to a presumption of denial licensing policy for China.[4] Approximately three days later, Quicksilver was provided purchase orders containing the following language regarding export requirements:

> The Seller shall comply with all applicable U.S. export control laws in receiving, utilizing and/or disposing of any articles, technical data and/or services provided by the Buyer in connection with this order, and in transferring or otherwise disposing of any articles, technical data and/or services developed or produced therefrom by the Seller. As provided in the Terms and Conditions for this order, no technical data or other items provided by the Buyer or developed or produced by the Seller may be exported, transferred, or disclosed outside the United States or to any foreign person, unless the Buyer provides written consent and the Seller obtains all required export licenses and/or other approvals from the United States Government.

Quicksilver fulfilled the order, which was received by U.S. Company 1 in or around August 2017. The shipping label and the pro forma invoice provided within the shipment identified Quicksilver as having an address in China and indicated that the products had been shipped from China. No export license had been sought or obtained for this transaction.

More recently, in or about July 2021, OEE discovered a violation by Rapid Cut which, as discussed above, is related to Quicksilver by location, ownership and operating personnel, also involving controlled technology exported to China without the required BIS export license. In particular, in or about May 2021, U.S. Company 2 hired Rapid Cut to manufacture specially designed parts intended for a rocket platform's ground support and test equipment. According to U.S. Company 2, the technology provided to Rapid Cut is classified under ECCN 9E604.a,[5] controlled for National Security and Missile Technology reason, and has a presumption of denial licensing policy for China. The technology was subsequently transferred on or about May 7, 2021, to China without requires export licenses. Moreover, the on-going investigation revealed that U.S. Company 2 provided Rapid Cut a copy of its standard terms and conditions, which included the need for compliance with all applicable international trade control laws, and that each page of drawings was marked with an Export Control Statement, which stated:

> ''THIS DOCUMEN CONTAINS U.S. EXPORT CONTROLLED INFORMATION (ITAR OR EAR). THE EXPORT, RE–EXPORT, TRANSFER OR RE–TRANSFER OF THIS DOCUMENT TO ANY OTHER COMPANY, ENTITY, PERONS OR DESTINATION, OR FOR ANY USE OR PURPOSE OTHER THAN FOR WHICH THE DOCUMENT WAS PROVIDED BY [U.S. Company 2] IS PROHIBITED WITHOUT APPROVAL FROM [U.S. Company 2] AND AUTHORIZATION UNDER APPLICABLE EXPORT CONTROL LAWS. THIS DOCUMENT IS

[2] ''Item'' means ''commodities, software, and technology. 15 CFR 772.1. Further, ''technology'' may be in any tangible or intangible form, such as written or oral communications, blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection. *Id.*

[3] ECCN 9E515 covers ''[t]echnology required for the ''development'', ''production'', operation, installation, repair, overhaul, or refurbishing of spacecraft and related commodities.''

[4] 15 CFR 742.4.

[5] ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 9A604 [commodities related to launch vehicles, missiles, and rockets] or 9B604, or ''software'' controlled by ECCN 9D604.

CONFIDENTIAL AND PROPRIETARY TO [U.S. Company 2].''

B. Unlawful Export to China of Controlled Technical Data Subject to the International Traffic in Arms Regulations

OEE's on-going investigation produced evidence that Respondents clear disregard for export controls extends beyond just items subject to the EAR but also encompasses the unlicensed export of defense articles, designated in the ITAR and listed on the U.S. Munitions List, to China.[6] OEE's investigation identified communications between Quicksilver and another one of its U.S. customers, an advanced science and engineering company with multiple U.S. government contracts including with various components of the Department of Defense (''U.S. Company 3), which followed the same general factual pattern described above. For example, Quicksilver signed a confidentiality agreement dated February 12, 2019, with U.S. Company 3 agreeing that, among other things, it would not export or reexport any confidential information ''to any country prohibited from obtaining such Confidential Information, either directly or indirectly . . . which may be in violation of United States and/or foreign export control laws.''

In addition, on or about March 17, 2020, in connection with a different project, U.S. Company 3 sent Quicksilver technical drawings and computer aided design files for 3D manufacture. Some of the drawing and files contained the following export control markings:

EXPORT CONTROLLED—ITAR RESTRICTED: THIS DOCUMENT CONTAINS TECHNICAL DATA WHOSE EXPORT IS RESTRICTED BY THE ARMS EXPORT CONTROL ACT (TITLE 22, U.S.C., SEC 2751, ET SEQ.) OR THE EXPORT ADMINISTRATION ACT OF 1979, AS AMENDED, TITLE 50 U.S.C., APP. 240 ET SEQ. VIOLATIONS OF THESE EXPORT LAWS ARE SUBJECT TO SEVERE CRIMINAL PENALTIES. DISSEMINATE IN ACCORDANCE WITH PROVISIONS OF DOD DIRECTIVE 5230.25.

A subsequent purchase order sent from U.S. Company 3 to Quicksilver for its signature further stated in part:

I reviewed the General Terms and Conditions on [U.S. Company 3's] website and noted a section pertaining to compliance with all applicable U.S. export control laws and regulations, specifically including but not limited to the Arms Export Control Act, ITAR, and the EAR.

On or about April 16, 2020, U.S. Company 3 received an invoice for the controlled items from Quicksilver which identified the shipper/exporter as Quicksilver MFG in Zhongshan, China. The investigation determined that technical drawings sent to China were defense articles controlled under USML Category XX (Submersible Vessels and Related Articles), section (d), and therefore, U.S. Government authorization was required to export the technical drawings to China. No such authorization was sought or received.

C. U.S. Prototype as a Related Person to Both Quicksilver and Rapid Cut

OEE's investigation has established that U.S. Prototype uses the same Wilmington, NC mailbox address as both Quicksilver and Rapid Cut. Additionally, publicly available documents with the North Carolina Secretary of State's office show that U.S. Prototype's president and registered agent is a Quicksilver officer who was involved in the transactions described above and whose wife is also listed as U.S. Prototype's vice president. Moreover, that same Quicksilver officer is listed as the designated representative for Rapid Cut's corporate bank account. U.S. Prototype's corporate banking account also identifies itself as U.S. Prototype, Inc., DBA [doing business as] Rapid Cut.

III. Findings

I find that the evidence presented by BIS demonstrates that a violation of the Regulations by the above-captioned parties is imminent in degree of likelihood. As such, a TDO is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with Quicksilver, Rapid Cut, and U.S. Prototype in export or reexport transactions involving items, including technology or software, subject to the EAR. Such a TDO is consistent with the public interest to preclude future violations of the Regulations given the serious national security concerns impacted by the misconduct and the clear disregard for complying with U.S. export control laws.

This Order is being issued on an *ex parte* basis without a hearing based upon BIS's showing of an imminent violation in accordance with Section 766.24 of the Regulations.

It is therefore ordered:

First, that Quicksilver Manufacturing, Inc., with an address at 8209 Market St. #A173, Wilmington, NC 28411; Rapid Cut LLC, with an address at 8209 Market St. #A173, Wilmington, NC 28411; and U.S. Prototype, Inc., with an address at 8209 Market St. #A173, Wilmington, NC 28411, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing

[6] 22 CFR 120.6.

means installation, maintenance, repair, modification, or testing.

Third, that, after notice and opportunity for response as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Quicksilver Manufacturing or Rapid Cut, by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

In accordance with the provisions of Section 766.24(e) of the EAR, Quicksilver Manufacturing or Rapid Cut, may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, U.S. Prototype may, at any time, appeal its inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Respondents Quicksilver Manufacturing, Rapid Cut, or U.S. Prototype, Inc., may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on each denied person and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

This document of the Bureau of Industry and Security was signed on June 7, 2022. That document with the original signature and date is maintained by the Bureau of Industry and Security. This duplicate original document was re-signed for administrative purposes only, and in compliance with publication requirements of the Office of the Federal Register. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register** or of the original June 7 document.

Dated: June 7, 2022.

Matthew S. Axelrod,

Assistant Secretary for Export Enforcement.

[FR Doc. 2022–12826 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–DT–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; License Exemptions and Exclusions

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 0694–0137 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

Over the years, BIS has worked with other Government agencies and the affected public to identify areas where export licensing requirements may be relaxed without jeopardizing U.S. national security or foreign policy. Many of these relaxations have taken the form of licensing exceptions and exclusions. Some of these license exceptions and exclusions have a reporting or recordkeeping requirement to enable the Government to continue to monitor exports of these items. Exporters may choose to utilize the license exception and accept the reporting or recordkeeping burden in lieu of submitting a license application. These exceptions and exclusions have allowed exporters to ship items quickly, without having to wait for license approval.

II. Method of Collection

Electronic.

III. Data

OMB Control Number: 0694–0137.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 19,738.

Estimated Time per Response: 1.52 hours.

Estimated Total Annual Burden Hours: 29,998.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Export Control Reform Act (ECRA) of 2018.

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. 2022–12898 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewal of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of renewal of the Renewable Energy and Energy Efficiency Advisory Committee and solicitation of nominations for membership.

SUMMARY: Pursuant to provisions of the Federal Advisory Committee Act, the Department of Commerce announces the renewal of the Renewable Energy and Energy Efficiency Advisory Committee (the Committee). The Committee shall advise the Secretary of Commerce regarding the development and administration of programs and policies to expand the competitiveness of U.S. exports of renewable energy and energy efficiency goods and services. The Committee's work on renewable energy will focus on technologies, equipment, and services to generate electricity, produce heat, and power vehicles from renewable sources such as solar, wind, biomass, hydropower, geothermal, and hydrogen. The Committee's work on energy efficiency will focus on technologies, services, and platforms that provide system-level energy efficiency to electricity generation, transmission, and distribution. These include smart grid technologies and services, as well as equipment and systems that increase the resiliency of power infrastructure such as energy storage. Climate solutions in the energy sector, such as low-carbon hydrogen production, clean energy transportation, and virtual power plants are also within the scope of the Committee. For the purposes of this Committee, covered goods and services will not include vehicles, feedstock for biofuels, or energy efficiency as it relates to consumer goods or buildings. Non-fossil fuels that reduce carbon consumption (*e.g.,* liquid biofuels and pellets) are included. This notice also requests nominations for membership.

DATES: Nominations for members must be received on or before 5 p.m. Eastern Daylight Time (EDT) on July 22, 2022.

ADDRESSES: Nominations may be emailed to *Cora.Dickson@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Cora Dickson, Office of Energy & Environmental Industries; phone 202–482–6083; email *Cora.Dickson@trade.gov.* The REEEAC Charter and other committee materials are posted online at *http://trade.gov/reeeac.*

SUPPLEMENTARY INFORMATION: The Committee shall consist of approximately 35 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members shall represent U.S. companies, U.S. trade associations, U.S. private sector organizations, and civil society groups with activities focused on the export competitiveness of U.S. renewable energy and energy efficiency goods and services. The Committee shall also represent the range of company or organizational roles in the development of renewable energy and energy efficiency projects, including, for example, project developers, technology integrators, financial institutions, and manufacturers. Members of the Committee are selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Committee as set forth in the Charter and in a manner that ensures that the Committee is balanced in terms of points of view, industry subsector, geography, and company size. The diverse membership of the Committee assures perspectives reflecting the full breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity and various abilities of the United States population.

Members serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates. Members serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as their particular subsector; they are, therefore, not Special Government Employees.

Members of the Committee must not be registered as foreign agents under the Foreign Agents Registration Act. No member may represent a company that is majority owned or controlled by a foreign government entity (or foreign government entities). Members of the Committee will not be compensated for their services or reimbursed for their travel expenses.

If you are interested in applying or nominating someone else to become a member of the Committee, please provide the following information:

(1) Sponsor letter on the company's, trade association's or organization's letterhead containing the name, title, and relevant contact information (including phone and email address) of the individual who is applying or being nominated;

(2) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) attending in-person committee meetings roughly four times per year (lasting one day each), (2) undertaking additional work outside of full committee meetings including subcommittee conference calls or meetings as needed, and (3) frequently drafting, preparing, or commenting on proposed recommendations to be evaluated at Committee meetings;

(3) Short biography of nominee, including credentials;

(4) Brief description of the company, trade association, or organization to be represented and its business activities; company size (number of employees and annual sales); and export markets served;

(5) An affirmative statement that the nominee meets all Committee eligibility requirements.

Please do not send company, trade association, or organization brochures or any other information. See the **ADDRESSES** and **DATES** captions above for how and the deadline for submitting nominations.

Nominees selected for appointment to the Committee will be notified by email.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2022–12753 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–890]

Quartz Surface Products From India: Preliminary Results and Rescission in Part of Countervailing Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the countervailing duty (CVD) order on quartz surface products (QSP) from India for the period October 11, 2019, through December 31, 2020. Commerce preliminarily determines that Divyashakti Granites Ltd. (DSG), the sole producer/exporter of QSP from India subject to this review, received countervailable subsidies. In addition, we are also rescinding this review with regard to 23 companies for which the request for review was timely withdrawn by interested parties.

DATES: Applicable June 15, 2022.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska, 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) 482–8362.

SUPPLEMENTARY INFORMATION:

Background

On June 22, 2020, Commerce published the CVD order on QSP from India.[1] On June 29 and June 30, 2021, Commerce received timely requests for administrative reviews of several companies from various interested parties, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2] On July 26, 2021, Arizona Tile, LLC's (Arizona Tile) and M.S. International, Inc. (MSI) withdrew their respective requests for reviews in their entirety.[3] On July 28, 2021, Pokarna Engineered Stone Limited's (PESL) withdrew its request for a review.[4] On August 3, 2021, the interested parties who submitted the Various Indian Producers/Exporters Group One Review Request withdrew their request for reviews in its entirety.[5] On August 9, 2021, Commerce published in the **Federal Register** a notice of initiation on QSP from India covering 24 producers/exporters.[6] On August 12, 2021, the interested parties who submitted the Various Indian Producers/Exporters Group Two Review Request withdrew their request for reviews in its entirety.[7] Due to the withdrawal of review requests submitted by various interested parties, DSG remains the sole Indian producer/exporter of QSP for which an administrative review was requested.

On February 17, 2022, Commerce extended the deadline for the preliminary results of this administrative review until June 30, 2022.[8]

For a complete description of the events that followed the *Initiation* of this review, *see* the Preliminary Decision Memorandum.[9] A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the *Order* is QSP from India. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[10] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. *Rescission of Administrative Review, in Part* Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. On August 9, 2021, Commerce published the *Initiation.*[11] The withdrawal requests of Arizona Tile, MSI, PESL, and groups one and two of the Various Indian Producers/Exporters were timely submitted.[12] Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review of the *Order,* in part, with respect to the following 23 companies: (1) Antique Marbonite Private Limited; (2) Argil

[1] *See Certain Quartz Surface Products from India and the Republic of Turkey: Countervailing Duty Orders,* 85 FR 37431 (June 22, 2020) (*Order*).

[2] *See* DSG and Cosmos Granite West LLC, Cosmos Granite (South East), and Cosmos Granite (South West)'s Letter, ''Quartz Surface Products India; C–533–890; Request for Administrative Review,'' dated June 29, 2021; *see also* Pokarna (PESL's Letter, ''Quartz Surface Products India; C–533–890; Request for Administrative Review,'' dated June 29, 2021; Various Indian Producers/Exporters' Letter, ''Certain Quartz Surface product from India (C–533–890)—Request for Administrative Review of Countervailing duty (AR1),'' dated June 30, 2021 (Various Indian Producers/Exporters' Group One Review Request); Various Indian Producers/Exporters' Letter, ''Certain Quartz Surface product from India (C–533–890)—Request for Administrative Review of Countervailing duty (AR1),'' dated June 30, 2021 (Various Indian Producers/Exporters Group Two Review Request); Arizona Tile's Letter, ''Quartz Surface Products from India: Arizona Tile, LLC Request for Review—2019—2020 Review Period,'' dated June 30, 2022; and MSI's Letter, ''Quartz Surface Products from India: MS International, Inc. Request for Review—2019–2020 Review Period,'' dated June 30, 2021.

[3] *See* Arizona Tile's Letter, ''Quartz Surface Products from India: Arizona Tile, LLC Withdrawal of Request for Review—2019–2020 Review Period,'' dated July 26, 2021 (Arizona Tile Withdrawal Letter); *see also* MSI's Letter, ''Quartz Surface Products from India: MS International Withdrawal of Request for Review—2019–2020 Review Period,'' dated July 26, 2021 (MSI Withdrawal Letter).

[4] *See* PESL's Letter, ''Quartz Surface Products from India: Withdrawal of Administrative Review Request,'' dated July 28, 2021 (PESL Withdrawal Letter).

[5] *See* Various Indian Producers/Exporters' Letter, ''Certain Quartz Surface product from India (C–533–890)—Withdrawal of Request for Administrative Review of Countervailing duty (AR1),'' dated August 3, 2021 (Various Indian Producers/Exporters Group One Withdrawal Letter).

[6] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 41821 (August 3, 2021) (*Initiation*). We note that several interested parties submitted their withdrawal of requests for review immediately prior to the July 29, 2021 signature date of the *Initiation,* and as a result, Commerce was unable to remove certain company names from the published version of the *Initiation.*

[7] *See* Various Indian Producers/Exporters' Letter, ''Certain Quartz Surface product from India (C–533–890)—Withdrawal of Request for Administrative Review of Countervailing duty (AR1),'' dated August 12, 2021 (Various Indian Producers/Exporters Group Two Withdrawal Letter).

[8] *See* Memorandum, ''Quartz Surface Products from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated February 17, 2022.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the First Administrative Review of the Countervailing Duty Order on Quartz Surface Products from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[10] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[11] *See Initiation.*

[12] *See* Arizona Tile Withdrawal Letter; *see also* MSI Withdrawal Letter; PESL Withdrawal Letter; Various Indian Producers/Exporters Group One Withdrawal Letter; and Various Indian Producers/Exporters Group Two Withdrawal Letter.

Ceramics; (3) ARO Granite Industries Limited; (4) Baba Super Minerals Pvt. Ltd.; (5) Camrola Quartz Limited; (6) Cuarzo; (7) Esprit Stones Pvt. Ltd.; (8) Global Stones Pvt. Ltd.; (9) Hi Elite Quartz LLP, India; (10) Keros Stone LLP; (11) Mahi Granites Private Limited; (12) Malbros Marbles & Granites Industries; (13) Pacific Industries Limited; (14) Pacific Quartz Surfaces LLP; (15) Paradigm Stone India Pvt. Ltd.; (16) Pelican Quartz Stone; (17) PESL; (18) Rocks Forever; (19) Satya Exports; (20) Shivam Enterprises; (21) Southern Rocks and Minerals Pvt. Ltd.; (22) Sunex Stones Private Limited, India; and (23) Tab India Granites Private Limited, India.

Preliminary Results of Review

Commerce preliminarily determines that the following countervailable subsidy rate exists for DSG for the period October 11, 2019, through December 31, 2020:

Company	Subsidy rate 2019 *ad valorem* (percent)	Subsidy rate 2020 *ad valorem* (percent)
Divyashakti Granites Ltd	1.98	1.18

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. For DSG, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

With respect to the companies for which this administrative review is rescinded, following the publication of this **Federal Register** notice, we will instruct CBP to assess countervailing duties on all appropriate entries at rates equal to the cash deposit rate required at the time of entry, or withdrawal from warehouse, for consumption, during the period October 11, 2019, through December 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Rate

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated CVDs in the amount indicated above (*i.e.,* the rate calculated for calendar year 2020) with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, Commerce will instruct CBP to continue to collect cash deposits of estimated CVDs at the most recent company-specific or all others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties in this proceeding the calculations performed in reaching the preliminary results within five days of publication of these preliminary results in the **Federal Register**.[13] Interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.[14] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[16] Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[17] Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[18]

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), unless this deadline is extended.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: June 9, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the Order
V. Partial Rescission of Administrative Review
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2022–12895 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See* 19 CFR 351.224(b).

[14] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also* 19 CFR 351.303 (for general filing requirements).

[15] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[16] *See* 19 CFR 351.310(c).

[17] *Id.*

[18] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC104]

15th Scientific Advisory Subcommittee to the General Advisory Committee and 30th General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the 15th Scientific Advisory Subcommittee (SAS) to the General Advisory Committee (GAC), and the 30th GAC to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC). This meeting will be held as a combined SAS and GAC meeting on Wednesday and Thursday, June 29–30, 2022, via webinar. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The virtual meeting of the SAS and GAC will be held on Wednesday and Thursday, June 29–30, 2022, from 9 a.m. to 1 p.m. PDT (or until business is concluded).

ADDRESSES: Please notify William Stahnke (see **FOR FURTHER INFORMATION CONTACT**) if you plan to attend the webinar. Instructions will be emailed to meeting participants before the meeting occurs.

FOR FURTHER INFORMATION CONTACT: William Stahnke, West Coast Region, NMFS, at *william.stahnke@noaa.gov,* or at (562) 980–4088.

SUPPLEMENTARY INFORMATION: The timing of U.S. SAS and GAC meetings are adjusted based on the dates of the IATTC Annual Meeting. This year, the IATTC convened its 13th Meeting of the Scientific Advisory Committee (SAC) on May 16–20, 2022, and the 100th Annual Meeting of the IATTC will be held on August 1–5, 2022. For 2022, the combined U.S. SAS and GAC Meeting will be held after the IATTC SAC Meeting and before the IATTC Annual Meeting on June 29 and 30. This timing allows for scientific topics presented at the IATTC SAC Meeting, including stock assessments, to be discussed and used to inform U.S. positions at the combined U.S. SAS and GAC Meeting. This meeting will also include updates from IATTC working groups and presentation of draft U.S. proposals to be submitted to the IATTC. An executive session may be called in order to discuss sensitive information, including possible U.S. negotiating positions for the upcoming IATTC Annual Meeting.

In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), the U.S. Department of Commerce, in consultation with the Department of State (the State Department), appoints a GAC to the U.S. Section to the IATTC, and a SAS that advises the GAC. The U.S. Section consists of the four U.S. Commissioners and alternate U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other U.S. Government agencies, and stakeholders. The GAC provides recommendations to the U.S. section of the IATTC. The purpose of the SAS is to advise the GAC on scientific matters and provide recommendations to the GAC. Per TCA, the SAS advises the GAC and the U.S. Commissioners on matters including the conservation of ecosystems, the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean, and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. NMFS West Coast Region staff provides administrative and technical support services as necessary for the effective functioning of the SAS and GAC.

The meetings of the SAS and GAC are open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the Chairs for the SAS and GAC. For more information and updates on these upcoming meetings, please visit the IATTC's website: *https://www.iattc.org/MeetingsENG.htm.*

SAS and GAC Meeting Topics

Given the virtual nature of these meetings, the agenda will be concise. The SAS and GAC meeting to prepare for the 100th IATTC Annual Meeting is expected to cover a broad spectrum of topics including but not limited to:

(1) Outcomes of the most recent IATTC stock assessments and updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean;

(2) Evaluation of the IATTC Staff's Recommendations to the Commission for 2022;

(3) Potential U.S. proposal(s) to the IATTC, including on North Pacific albacore;

(4) Updates for upcoming Joint IATTC–WCPFC NC Working Group on PBF meeting;

(5) Recommendations and evaluations by the SAS and GAC; and

(6) Other issues as they arise.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to William Stahnke (see **FOR FURTHER INFORMATION CONTACT**).

Authority: 16 U.S.C. 951 *et seq.*

Dated: June 9, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–12852 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC100]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., (Permit Nos. 20455–02 and 20605–04), Courtney Smith, Ph.D., (Permit Nos. 20294 and 21170), and Sara Young (Permit No. 26375); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit, permit amendment, or permit modification had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to *www.federalregister.gov* and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous **Federal Register** notice	Issuance date
20455–02	0648–XF063	Randall Wells, Ph.D., Chicago Zoological Society's Sarasota Dolphin Research Program, c/o Mote Marine Laboratory, 1600 Ken Thompson Parkway, Sarasota, FL 34236.	81 FR 90781; December 15, 2016.	May 5, 2022.
20605–04	0648–XF381	Robin Baird, Ph.D., Cascadia Research Collective, 218 ½ West Fourth Avenue, Olympia WA, 98501.	82 FR 39776; August 22, 2017.	May 20, 2022.
26375	0648–XB814	Jay Rotella Ph.D., Montana State University, 310 Lewis Hall, Bozeman, MT 59717.	87 FR 10341; February 24, 2022.	May 6, 2022.
21170–01	0648–XF399	Keith Ellenbogen, Keith Ellenbogen Photography, 795 Carroll Street, Brooklyn, NY 11215.	82 FR 39776; August 22, 2017.	May 12, 2022.
20294–01	0648–XF148	Robert DiGiovanni, Jr., Atlantic Marine Conservation Society, P.O. Box 932, Hampton Bays, New York, 11946.	82 FR 29053; June 27, 2017	May 20, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permits was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: June 7, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–12886 Filed 6–14–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Atlantic Offshore Wind Transmission Convening Workshop on Stakeholder Partnership—Sharing the Benefits and Opportunities for Atlantic Offshore Wind Transmission

AGENCY: U.S. Department of Energy.

ACTION: Notice of virtual Stakeholder Convening Workshop.

SUMMARY: The U.S. Department of Energy (DOE) and U.S. Department of the Interior (DOI)-Bureau of Ocean Energy Management (BOEM) will hold a virtual Convening Workshop to discuss and receive feedback regarding the benefits, opportunities, and strategies for transmission development for offshore wind (OSW) projects along the Atlantic Coast of the mainland United States (from Maine to South Carolina). This Stakeholder Partnership workshop will focus on strategies to support sustainable and just development of OSW transmission that avoids and minimizes impacts to ocean co-users and marine environments; creates benefits for coastal and underserved communities; and minimizes or mitigates unavoidable negative impacts. This event is part of a series of convening workshops to seek individual advice and obtain information, in order for DOE and BOEM to develop a set of recommendations and an associated action plan for addressing near-, medium-, and long-term OSW transmission challenges. In addition, DOE encourages written comments on these subjects.

DATES: Tuesday, June 28, 2022 (8:00 a.m. to 12:00 p.m., Eastern Daylight Time).

ADDRESSES: Registration for this virtual workshop is currently available at: Atlantic Offshore Wind Stakeholder Workshop. Registrants will receive an email with call-in and webinar login information. Any comments submitted must identify the **Federal Register** Notice for the ''Stakeholder Partnership—Sharing the Benefits and Opportunities for Atlantic Offshore Wind Transmission.'' Comments may be submitted via email to *OSWTransmission@hq.doe.gov.* Comments are requested no later than August 1, 2022.

FOR FURTHER INFORMATION CONTACT: Alissa Baker, U.S. Department of Energy, Office of Electricity, 1000 Independence Ave. SW, Washington, DC 20585; Telephone: (240) 702–4890; Email: *OSWTransmission@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE and BOEM will hold stakeholder workshops to identify technical planning and development; economics and policy; and siting and permitting recommendations to address near-, medium-, and long-term OSW transmission challenges. This workshop on ''Sharing the Benefits and Opportunities for Atlantic Offshore Wind Transmission'' will be held in a virtual format on Tuesday, June 28, 2022 from 8:00 a.m. to 12:00 p.m. EDT. The workshop will include presentations, panel discussions, and moderated discussion. The workshop will present educational background on OSW transmission and related ongoing federal activities. Participants will individually have the opportunity to ask questions, provide input, and share feedback. Persons interested in attending this virtual workshop must register online at: Atlantic Offshore Wind Stakeholder Workshop no later than Tuesday, June 21, 2022. Please check the website for additional information, including a detailed agenda, list of presentations, resource materials, and instructions to submit comments.

Signing Authority

This document of the Department of Energy was signed on June 9, 2022, by Gilbert C. Bindewald III, Acting Principal Deputy Assistant Secretary, Office of Electricity 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. The administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 10, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–12871 Filed 6–14–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–16–000]

Commission Information Collection Activity (FERC–542); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC–542 (Gas Pipeline Rates: Rate Tracking).

DATES: Comments on the collections of information are due August 15, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–16–000) on FERC–542 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–542, Gas Pipelines Rates: Rate Tracking.

OMB Control No.: 1902–0070.

Type of Request: Three-year extension of the FERC–542 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses FERC–542 filings to verify that costs which are passed through to pipeline customers as rate adjustments are consistent with the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301–3432, and sections 4 and 5 of the Natural Gas Act (NGA), 15 U.S.C. 717c and 717d. These statutory provisions require FERC to regulate the transmission and sale of natural gas for resale in interstate commerce at just and reasonable rates. This collection of information is also in accordance with section 16 of the NGA, 15 U.S.C. 717*o,* which authorizes FERC to implement the NGA through its rules and regulations.

The regulations at 18 CFR part 154 include provisions that allow an interstate natural gas pipeline to submit filings seeking to:

- Recover research, development and demonstration expenditures (18 CFR 154.401);
- Recover annual charges assessed by the Commission under 18 CFR part 382 (18 CFR 154.402); and
- Pass through, on a periodic basis, a single cost or revenue item such as fuel use and unaccounted-for natural gas in kind (18 CFR 154.403).

FERC–542 filings may be submitted at any time or on a regularly scheduled basis in accordance with the pipeline company's tariff. Filings may be: (1) accepted; (2) suspended and set for hearing; (3) minimal suspension; or (4) suspended for further review, such as technical conference or some other type of Commission action. The Commission implements these filing requirements under 18 CFR part 154.

Type of Respondents: Jurisdictional Natural Gas Pipelines.

Estimate of Annual Burden: [1] The Commission estimates the total burden and cost for this information collection as follows:

Type of response	Average annual number of respondents (1)	Average annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per respondent (4) [2]	Total annual burden hours & total annual cost (rounded) (3) * (4) = (5)	Cost per respondent (rounded) (5) ÷ (1)
Request to Recover Costs from Customers	94	2	188	2 hrs; $174	324 hrs; $28,188	$174

Comments: Comments are invited on: (1) whether the collection of information is 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 estimate 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.

Dated: June 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12910 Filed 6–14–22; 8:45 am]

BILLING CODE 6717–01–P

[1] ''Burden'' is 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. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[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

[Docket No. IC22–15–000]

Commission Information Collection Activity (FERC–592); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC–592 (Standards of Conduct for Transmission Providers and Marketing Affiliates of Interstate Pipelines).

DATES: Comments on the collections of information are due August 15, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–15–000) on FERC–592 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: Standards of Conduct for Transmission Provider and Marketing Affiliates of Interstate Pipelines.

OMB Control No.: 1902–0157.

Type of Request: Three-year extension of the FERC–592 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information maintained and posted by the respondents to monitor the pipeline's transportation, sales, and storage activities for its marketing affiliate to deter undue discrimination by pipeline companies in favor of their marketing affiliates. Non-affiliated shippers and other entities (*e.g.,* state commissions) also use the information to determine whether they have been harmed by affiliate preference and to prepare evidence for proceedings following the filing of a complaint.

18 CFR Part 358 (Standards of Conduct)

Respondents maintain and provide the information required by 18 CFR part 358 on their internet websites. When the Commission requires a pipeline to post information on its website following a disclosure of non-public information to its marketing affiliate, non-affiliated shippers obtain comparable access to the non-public transportation information, which allows them to compete with marketing affiliates on a more equal basis.

18 CFR 250.16, and the FERC–592 Log/Format

This form (log/format) provides the electronic formats for maintaining information on discounted transportation transactions and capacity allocation to support monitoring of activities of interstate pipeline marketing affiliates. Commission staff considers discounts given to shippers in litigated rate cases.

Without this information collection:

- the Commission would be unable to effectively monitor whether pipelines are giving discriminatory preference to their marketing affiliates; and
- non-affiliated shippers and state commissions and others would be unable to determine if they have been harmed by affiliate preference or prepare evidence for proceedings following the filing of a complaint.

Type of Respondents: Natural gas pipelines.

Estimate of Annual Burden: [1] The Commission estimates the annual reporting burden and cost for the information collection as shown in the following table:

FERC–592—ESTIMATED ANNUAL BURDENS

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [2] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
85	1	85	117 hrs.; $10,179	9,945 hrs.; $865,215	$10,179

Comments are invited on: (1) whether the collection of information is 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 estimate 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.

[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. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

[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.

Dated: June 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12904 Filed 6–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meetings

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b: Agency Holding Meeting: Federal Energy Regulatory Commission.

TIME AND DATE: June 16, 2022, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426.

STATUS: Open to the public.[1]

MATTERS TO BE CONSIDERED: Agenda.

* *Note*—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at *https://elibrary.ferc.gov/eLibrary/search* using the eLibrary link.

1091ST—MEETING, OPEN MEETING

[June 16, 2022, 10:00 a.m.]

Item No.	Docket No.	Company
		Administrative
A-1	AD22–1–000	Agency Administrative Matters.
A-2	AD22–2–000	Customer Matters, Reliability, Security and Market Operations.
		Electric
E-1	RM22–14–000	Improvements to Generator Interconnection Procedures and Agreements.
E–2	RM22–10–000	Transmission System Planning Performance Requirements for Extreme Weather.
E-3	RM22–16–000, AD21–13–000	One-Time Informational Reports on Extreme Weather Vulnerability Assessments Climate Change, Extreme Weather, and Electric System Reliability.
E–4	EL15–70–003, EL15–71–003, EL15–72–003.	*Public Citizen, Inc.* v. *Midcontinent Independent System Operator, Inc. The People of the State of Illinois, By Illinois Attorney General Lisa Madigan* v. *Midcontinent Independent System Operator, Inc. Southwestern Electric Cooperative, Inc.* v. *Midcontinent Independent System Operator, Inc., Dynegy, Inc.,* and Sellers of Capacity into Zone 4 of the 2015–2016 MISO Planning Resource Auction.
E-5	ER21–2455–000, ER21–2455–001	California Independent System Operator Corporation.
E-6	ER21–2460–000, ER21–2460–001	New York Independent System Operator, Inc.
E–7	ER22–707–001	ISO New England Inc. and New England Power Company d/b/a National Grid.
E–8	ER21–56–000	Guzman Energy, LLC
E-9	ER21–61–000	El Paso Electric Company.
E-10	ER21–58–000	TransAlta Energy Marketing (U.S.) Inc.
E-11	ER17–910–003, ER17–1509–003, ER17–2181–003, ER18–1102–002.	Pacific Gas and Electric Company.
E–12	RD22–3–000	North American Electric Reliability Corporation.
E–13	ER22–1247–000	NSTAR Electric Company and Park City Wind LLC.
		Gas
G–1	RP21–1001–008	Texas Eastern Transmission, LP.
		Hydro
H-1	P–3063–023	Blackstone Hydro Associates.
H–2	P–619–164	Pacific Gas and Electric Company and City of Santa Clara.
H–3	P–2004–302	City of Holyoke Gas and Electric Department.
H–4	P–2107–047	Pacific Gas and Electric Company.
H–5	P–3777–011	The Town of Rollinsford, New Hampshire.
		Certificates
C–1	CP20–312–000 RP21–882–000	Equitrans, L.P.
C–2	CP22–167–000	Roaring Fork Midstream, LLC.

[1] The Commission Meeting is open for attendance from the public. Members of the public who are interested in attending the meeting must adhere to safety and health protocols detailed on the Commission's website to be granted admission into the building. Information on these protocols can be accessed at *http://www.ferc.gov,* which will be posted on FERC's website on June 10, 2022.

Issued: June 9, 2022.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *http://ferc.capitolconnection.org/.* Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://ferc.capitolconnection.org/* or contact Shirley Al-Jarani at 703–993–3104.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2022–12909 Filed 6–13–22; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–468–000]

Trailblazer Pipeline Company LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 27, 2022, Trailblazer Pipeline Company LLC (TPC) and Rockies Express Pipeline LLC (REX), 370 Van Gordon St., Lakewood, Colorado 80228, filed an application under section 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization in the above referenced docket. TPC requests (1) authorization for TPC to abandon approximately 392 miles of pipeline and related facilities, including one gas-fired compressor station and two electric compressor stations totaling 60,000 horsepower, and one interconnect that has no firm service (the Abandoned Facilities), with the pipeline to be repurposed for carbon dioxide (CO_2) transportation service that will not be subject to the Commission's NGA jurisdiction; (2) authorizing Rockies to construct, install, own, operate, and maintain various pipeline facilities and booster compression stations to allow continuity of flow for Trailblazer firm service through capacity leased from Rockies (the New Rockies Facilities); (3) authorization for Trailblazer to lease capacity from Rockies pursuant to a capacity lease agreement (the Lease) so that Trailblazer can utilize the New Rockies Facilities and otherwise available capacity on Rockies's existing system; (4) authorization for Rockies to lease capacity to Trailblazer pursuant to the Lease, which will allow Trailblazer to replicate the services it currently provides on the abandoned facilities and ensure seamless service for Trailblazer's existing firm shippers.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to L. Drew Cutright, Vice President, Regulatory Tallgrass Energy LP, 370 Van Gordon Street, Lakewood, CO 80228–1519 or by phone at (303) 763–3438, or by email at *Drew.Cutright@tallgrassenergy.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

[1] 18 CFR (Code of Federal Regulations) 157.9.

Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on June 30, 2022.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before June 30, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–468–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP22–468–000).

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, the filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is June 30, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22–468–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.*; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number CP22–468–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email at: L. Drew Cutright, Vice President, Regulatory Tallgrass Energy, LP, 370 Van Gordon Street, Lakewood, CO 80228–1519 or *Drew.Cutright@tallgrassenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on June 30, 2022.

Dated: June 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12907 Filed 6–14–22; 8:45 am]

BILLING CODE 6717–01–P

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–73–000.

Applicants: Vansycle II Wind, LLC, FPL Energy Stateline II, Inc.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Vansycle II Wind, LLC, et al.

Filed Date: 6/9/22.

Accession Number: 20220609–5107.

Comment Date: 5 p.m. ET 6/30/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2881–038; ER15–647–008; ER15–2191–007; ER16–2659–006; ER16–750–008; ER19–2005–002; ER20–136–003; ER21–2287–002.

Applicants: Glass Sands Wind Energy, LLC, Reading Wind Energy, LLC, Wildhorse Wind Energy, LLC, Bethel Wind Farm LLC, Grant Plains Wind, LLC, Grant Wind, LLC, Kay Wind, LLC, Alabama Power Company.

Description: Supplement to December 29, 2021 Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Alabama Power Company, et al.

Filed Date: 6/7/22.

Accession Number: 20220607–5171.

Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–680–003.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Amendment WDAT Enhancements 2021 Revisions ''Time Out''—Request for Deferral to be effective 12/31/9998.

Filed Date: 6/9/22.

Accession Number: 20220609–5102.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–1500–001.

Applicants: Sunflower Electric Power Corporation, Southwest Power Pool, Inc.

Description: Tariff Amendment: Sunflower Electric Power Corporation submits tariff filing per 35.17(b): Deficiency Response-Sunflower Electric Power Corporation Formula Rate Revisions to be effective 6/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5046.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–1555–000.

Applicants: Mississippi Power Company.

Description: Mississippi Power Company submits response to the May 25, 2022 FERC deficiency notice.

Filed Date: 6/3/22.

Accession Number: 20220603–5171.

Comment Date: 5 p.m. ET 6/24/22.

Docket Numbers: ER22–1717–000.

Applicants: Unitil Power Corp.

Description: Unitil Power Corp. Submits Annual Statement of All Billing Transactions under the Amended Unitil System Agreement for the period January 1, 2021 through December 31, 2021.

Filed Date: 4/28/22.

Accession Number: 20220428–5486.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2055–000.

Applicants: Black Hills Colorado Electric, LLC.

Description: § 205(d) Rate Filing: Filing of Standard LGIA with TC Colorado, LLC to be effective 8/8/2022.

Filed Date: 6/8/22.

Accession Number: 20220608–5112.

Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–2056–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–06–09_SA 3843 ATC-New Glarus CFA to be effective 8/9/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5018.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2057–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Revision to Real Power Loss Factor—2022 to be effective 7/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5023.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2058–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–06–09_SA 3841 UEC-Kelso Solar FSA (J1087) to be effective 8/9/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5033.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2059–000.

Applicants: International Transmission Company.

Description: § 205(d) Rate Filing: Filing of a CIAC Agreement with DTE to be effective 8/9/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5035.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2060–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1166R38 Oklahoma Municipal Power Authority NITSA and NOA to be effective 8/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5045.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2061–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2415R16 Kansas Municipal Energy Agency NITSA and NOA to be effective 6/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5048.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2062–000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: Niagara Mohawk Power Corporation submits tariff filing per 35.13(a)(2)(iii: 205 Joint SGIA among NYISO and NMPC for the Hills Solar SA No. 2646 to be effective 5/25/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5057.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2063–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3330R4 City of Nixa, Missouri NITSA NOAs to be effective 6/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5059.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2064–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Flint River Solar (Flint River Project) LGIA Filing to be effective 6/1/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5091.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2065–000.

Applicants: Goldman Sachs Renewable Power Marketing LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5099.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2066–000.

Applicants: RE McKenzie 1 LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5100.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2067–000.

Applicants: RE McKenzie 2 LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5101.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2068–000.

Applicants: RE McKenzie 3 LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5108.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2069–000.

Applicants: RE McKenzie 4 LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5109.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2070–000.

Applicants: RE McKenzie 5 LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5112.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2071–000.
Applicants: RE McKenzie 6 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5113.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2072–000.
Applicants: RE Mustang 3 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5115.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2073–000.
Applicants: RE Mustang 4 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5118.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2074–000.
Applicants: RE Mustang LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5122.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2075–000.
Applicants: RE Rosamond One LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5123.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2076–000.
Applicants: RE Rosamond Two LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/10/2022.
Filed Date: 6/9/22.
Accession Number: 20220609–5124.
Comment Date: 5 p.m. ET 6/30/22.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF21–1222–001.
Applicants: NextSun Energy Littleton LLC.
Description: Refund Report of NextSun Energy Littleton LLC.
Filed Date: 6/9/22.
Accession Number: 20220609–5049.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: QF21–1223–000.
Applicants: NextSun Energy Rutland LLC.
Description: Refund Report of NextSun Energy Rutland LLC (Park Street Solar).
Filed Date: 6/9/22.
Accession Number: 20220609–5058.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: QF21–1224–000.
Applicants: NextSun Energy Rutland LLC.
Description: Refund Report of NextSun Energy Rutland LLC (Main Street Solar).
Filed Date: 6/9/22.
Accession Number: 20220609–5068.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: QF22–94–000.
Applicants: Renewable Generation LLC (MA).
Description: Refund Report of Renewable Generation LLC (MA).
Filed Date: 6/9/22.
Accession Number: 20220609–5071.
Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: QF22–95–000.
Applicants: Renewable Generation LLC (MA).
Description: Refund Report of Renewable Generation LLC (MA) [115/G. Fisher].
Filed Date: 6/9/22.
Accession Number: 20220609–5089.
Comment Date: 5 p.m. ET 6/30/22.

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 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12908 Filed 6–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–471–000]

Cimarron River Pipeline, LLC. Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on June 3, 2022, Cimarron River Pipeline, LLC. (Cimarron), 6900 E. Layton Ave, Suite 900 Denver, CO 80237, filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP08–17–000 requesting authorization to abandon by sale to its affiliate, DCP Operating Company, LP (DCP), the five compressors, dehydration unit, meter station, land and facility appurtenances located at its Beaver County 1 Compressor Station in Beaver County, Oklahoma (Beaver County 1 Facilities or Project). DCP has agreed to purchase the Beaver County 1 Facilities for use with its non-jurisdictional gathering system. Cimarron states the abandonment will have no adverse impact on Cimarron's interstate jurisdictional services. The Beaver County 1 Facilities are located on land owned by Cimarron and approximately 2.3 acres of land within the Beaver County 1 fence line will be sold to DCP which will be sufficient for DCP to access, operate and maintain the Beaver County 1 Facilities. No existing Cimarron pipeline right-of way will be affected by the transaction. Cimarron estimates the cost to replace the Beaver County 1 Facilities is approximately $18.3 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at

FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this request should be directed to Tyler Culbertson, Manager, Regulatory Affairs, Cimarron River Pipeline, LLC, 6900 E. Layton Ave, Suite 900, Denver, CO 80237, by telephone at (303) 605–2278, or by email at *tculbertson@dcpmidstream.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on August 8, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is August 8, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is August 8, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before August 8, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22–471–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.'' The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP22–471–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: *tculbertson@dcpmidstream.com,* 6900 E. Layton Ave, Suite 900, Denver, CO 80237. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

Dated: June 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12906 Filed 6–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–9–000]

Commission Information Collection Activities (FERC–912); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–912 (PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities) and is submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission published a 60-day notice in the **Federal Register** on March 23, 2022. The Commission received no comments.

DATES: Comments on collections of information are due July 15, 2022.

ADDRESSES: Send written comments on FERC Form 912 (IC22–9–000) to OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902–0237 (PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC22–9–000) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (Including Courier) delivery.

○ *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) Delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–912, PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities.

OMB Control No.: 1902–0237.

Type of Request: Three-year extension of the FERC–912 information collection requirements with no changes to the current reporting requirements.

Abstract: On 8/8/2005, the Energy Policy Act of 2005 (EPAct 2005) [1] was signed into law. Section 1253(a) of EPAct 2005 amends Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) by adding subsection ''(m),'' that provides, based on a specified showing, for the termination and subsequent reinstatement of an electric utility's obligation to purchase from, and sell energy and capacity to, qualifying facilities (QFs). In 2019, the Commission revised its regulations in 18 CFR 292.309–292.313 in Docket No. RM19–15–000 to account for industry changes. These industry changes include: the decrease in reliance on oil and natural gas, the increase of natural gas supply due to access of shale reserves, and the decreasing costs of renewable energy sources. Due to the modifications in the rulemaking, the Commission revised its information collection requirements. The Commission now collects the following information on FERC Form 912:

- § 292.310: an electric utility's application for the *termination of its obligation* to purchase energy from a QF,
- § 292.311: an affected entity or person's application to the Commission for an order *reinstating the electric utility's obligation* to purchase energy from a QF,
- § 292.312: an electric utility's application for the *termination of its obligation* to sell energy and capacity to QFs, and
- § 292.313: an affected entity or person's application to the Commission for an order *reinstating the electric utility's obligation* to sell energy and capacity to QFs.[2]

Type of Respondents: Electric utilities.

Estimate of Annual Burden: [3]

The Commission estimates the total Public Reporting Burden and cost for this information collection as follows:

[1] Public Law 109–58, 119 Stat. 594 (2005).

[2] 18 CFR 292.311 and 292.313.

[3] Burden 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. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

FERC–912 (IC22–9–000)—COGENERATION AND SMALL POWER PRODUCTION, PURPA SECTION 210(M) REGULATIONS FOR TERMINATION OR REINSTATEMENT OF OBLIGATION TO PURCHASE OR SELL

	Number of respondents (1)	Number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours & average cost per response ($) [4] (4)	Total annual burden hours & total annual cost ($) (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
Termination of obligation to purchase	10	1.5	15	12; $1,044	180; $15,660	$1,566
Reinstatement of obligations to purchase.	0	0	0	0; 0	0; 0	0
Termination of obligation to sell	2	1	2	8; 696	16; 1,392	696
Reinstatement of obligation to sell	0	0	0	0; 0	0; 0	0
Total					196 hours; $17,052	$2,262

Comments: Comments are invited on: (1) whether the collection of information is 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 estimate 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.

Dated: June 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–12905 Filed 6–14–22; 8:45 am]

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[4] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $87.00 per Hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary ($180,702/year). Commission staff believes the 2021 FERC average salary to be a representative wage for industry respondents.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0120; FRL—9938–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Primary Magnesium Refining (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NESHAP for Primary Magnesium Refining (EPA ICR Number 2098.10, OMB Control Number 2060–0536), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2022. Public comments were previously requested, via the **Federal Register**, on April 13, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 15, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0120, to EPA online using *https://www.regulations.gov/* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Magnesium Refining (40 CFR part 63, subpart TTTTT) were proposed on January 22, 2003; promulgated on October 10, 2003; and amended on April 20, 2006. These regulations apply to existing and new facilities that perform primary magnesium refining where the total hazardous air pollutants (HAPs) emitted are greater than, or equal to, 10 tons per year for each HAP, or where the total HAPs emitted are greater than, or equal to, 25 tons per year of any combination of HAPs. New facilities include those that commenced either construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart TTTTT. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining

compliance, and are required of all affected facilities subject to the NESHAP.

Form Numbers: None.

Respondents/affected entities: Primary magnesium refining facilities.

Respondent's obligation to respond: Mandatory 40 CFR 63, Subpart TTTTT.

Estimated number of respondents: One (total).

Frequency of response: Semiannually.

Total estimated burden: 972 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $116,000 (per year), which includes $1,200 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The burden in this ICR has been adjusted to account for more accurate estimates for performance testing costs based on consultations with industry. The previous ICR assumed that a single performance test was conducted once every three years by the affected facility. This ICR adjusts the performance testing costs to reflect that the facility conducts separate performance tests for individual units during the term of the ICR. The regulation, 40 CFR 63.9912, requires performance testing no less frequently than twice (at mid-term and renewal) of each term of the Title V permit, or every 2.5 years, for each emission point. For the facility subject to this rule, we have clarified that multiple emission points must be tested twice during the Title V permit term, with approximately 20 percent of units anticipated to require a retest. This ICR therefore assumes that performance tests are conducted for approximately two emission units in each year during the three-year period of this ICR. Therefore, labor costs have been adjusted to account for submission of notification and reports for performance tests twice annually. This change also results in an increase in the number of responses.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–12890 Filed 6–14–22; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9877–01–R6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Gulf Coast Growth Ventures, LLC, Olefins, Derivative, and Utilities Plant, San Patricio County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 12, 2022, granting in part and denying in part a Petition dated February 24, 2021 from the Environmental Integrity Project, Sierra Club, Coastal Alliance to Protect our Environment, and Texas Campaign for the Environment. The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to Gulf Coast Growth Ventures (GCGV), LLC. for its Olefins, Derivative, and Utilities Plant located in San Patricio County, Texas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665–7596, *wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from the Environmental Integrity Project, Sierra Club, Coastal Alliance to Protect our Environment, and Texas Campaign for the Environment dated February 24, 2021, requesting that the EPA object to the issuance of operating permit no. O4169, issued by TCEQ to the Olefins, Derivative, and Utilities Plant in San Patricio County, Texas. The Petition claims the proposed permit was issued before GCGV complied with applicable public participation requirements and fails to include and assure compliance with all applicable requirements.

On May 12, 2022, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for the EPA's decision.

Dated: June 9, 2022.

Dzung Ngo Kidd,

Acting Director, Air and Radiation Division, Region 6.

[FR Doc. 2022–12891 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0078; FRL–9937–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Toxic Chemical Release Reporting (Revision)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Toxic Chemical Release Reporting (EPA ICR Number 2613.04, OMB Control Number 2070–0212) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request to revise an existing ICR that is currently approved through March 31, 2024. Public comments were previously requested via the **Federal Register** on November 15, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 15, 2022.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OPPT–2021–0303, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Katherine Sleasman, Regulatory Support Branch (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 *et seq.,* certain facilities that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels as provided in 40 CFR 372.25 must submit annually to EPA reporting forms to the Toxics Release Inventory (TRI). The revisions to this ICR covers the information collection activities associated with the submission of information to TRI pursuant to EPCRA section 313(b)(2), 42 U.S.C. 11023. Under EPCRA section 313(b)(2), the EPA Administrator has the authority to extend TRI reporting requirements to specific facilities that manufacture, process, or otherwise use a TRI-listed toxic chemical, but who are not currently covered by TRI reporting requirements as described at 40 CFR 372. The Administrator may determine a specific facility warrants TRI reporting on the basis of a chemical's toxicity, the facility's proximity to other facilities that release the chemical or to population centers, the facility's history of releases of the chemical, or other factors that the Administrator deems appropriate. This ICR revision includes discussion of EPA's discretionary authority under EPCRA section 313(b)(2) and outreach to potential stakeholders.

Form Numbers: 9350–1 and 9350–2.

Respondents/affected entities: The facility has 10 or more full-time employee equivalents; the facility is included in a NAICS Code listed at 40 CFR 372.23 or under E.O. 13148, Federal facilities regardless of their industry classification; and the facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA section 313 (TRI) chemical in quantities greater than the established thresholds for the specific chemical in the course of a calendar year. EPA may also exercise its discretionary authority under EPCRA section 313(b)(2) to extend TRI reporting obligations to a facility.

Respondent's obligation to respond: Mandatory, 40 CFR 372 and EPCRA section 313.

Estimated number of respondents: 76,579 (total).

Frequency of response: Annual.

Total estimated burden: 3,616,827 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $257,011,726 (per year), includes no annualized capital or operation & maintenance costs.

Changes in the estimates: There is an increase of 1700 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The additional hours are a result of an increase in 3 burden hours per facility in non-reporting burden. This increase also reflects the review of the notification and preparation of responses stakeholders may engage in upon receipt of the Agency's notification of its potential application of the discretionary authority under EPCRA section 313(b)(2) to specific facilities. This increase is categorized as a program change. Additionally, in December 2021, the EPA Administrator determined that 29 facilities warrant the extension of TRI reporting requirements under the authority in EPCRA section 313(b)(2) for specific chemicals; the updated burden estimates reflect potential reporting from these facilities.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–12889 Filed 6–14–22; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9641–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Land and Emergency Management (OLEM), Environmental Protection Agency (EPA).

ACTION: Notice of a modified system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA), Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. Superfund Enterprise Management System (SEMS) is being modified to expand the categories of records that may be housed in SEMS and the categories of individuals who may be covered by the system. Additionally, EPA is modifying SEMS to add General Routine Uses B, D, and M, modify General Routine Use L, and add three Specific Routine Uses. The new Specific Routine Uses are related to disclosure of records to protect the environment or public health or safety, including carrying out an investigation or response; to share information with the public in cases of emergency to protect the environment or public health and safety; and to respond to other external requests for information to support programmatic functions. This system of records is an electronic repository of Superfund documents routinely used to house and organize data and information regarding Superfund sites. Records contained in SEMS are used in support of programmatic functions including investigation; cleanup; program planning; community outreach; coordination with state, local and tribal entities; listing and de-listing of

Superfund sites; enforcement activities; and litigation. Information related to Superfund sites may be gathered under other statutory authorities because SEMS is an accessible repository for selected non-Superfund sites as well. Privacy is maintained by limiting access to the database containing confidential business and personal information. All exemptions and provisions included in the previously published System of Records Notice (SORN) for SEMS will transfer to the modified SORN for SEMS.

DATES: Persons wishing to comment on this system of records notice must do so by July 15, 2022. New or Modified routine uses for this modified system of records will be effective July 15, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2021–0037, by one of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the online instructions for submitting comments.

Email: docket_oms@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: 202–566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OLEM–2021–0037. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through *https://www.regulations.gov.* The *https://www.regulations.gov* website is an ''anonymous access'' system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OMS Docket is (202) 566–1752. Further information about EPA Docket Center services and the current operating status is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Jennifer Sutton, Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 5202P, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number (703) 603–8718; *Sutton.Jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA created a Privacy Act system of records to allow the Agency to maintain and readily access records to provide project and program managers the ability to plan, manage, track, and report on clean-up and enforcement activities taking place at Superfund sites. The SEMS database application supports the electronic capture, imaging, indexing, and tracking of records which document investigation, cleanup, and enforcement activities at potential and existing hazardous waste sites. The electronic repository of documents is routinely used in a variety of ways, including research, enforcement, litigation support, responses to congressional and Freedom of Information Act (FOIA) requests, public participation in the Superfund process, electronic archiving, cost recovery, disaster recovery, and support of the program and Agency missions. This notification confirms that the SEMS database may now also be used to house and manage documents developed by non-Superfund EPA program offices, including those conducting investigatory and enforcement activities under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Clean Air Act, and the Federal Water Pollution Control Act.

Records protected under the Privacy Act are subject to Agency-wide security requirements governing all database systems at EPA. Privacy is maintained by limiting access to the database containing confidential business and personal information. Access to the database has been limited to individuals designated as system Administrators, Remedial Project Managers (RPMs), Data Sponsors, On-Scene Coordinators (OSCs), Information Management Coordinators (IMCs), Budget Coordinators (BCs), Regional Attorneys, Regional Managers, Data Entry Support Staff, Support Contractors, and any other staff with assigned data management responsibilities. This notification confirms that access to utilize and access the documents in the SEMS database may now be expanded to also include individuals holding comparable positions (including enforcement program staff) in EPA offices conducting investigatory and enforcement activities under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Clean Air Act, and the Federal Water Pollution Control Act. This notification further clarifies and specifies categories of records that may be present in the SEMS database.

EPA is adding General Routine Use B related to the disclosure of information to sources from which additional information is requested and a General Routine Use D related to disclosure of information to the Office of Management and Budget (OMB). Additionally, EPA is modifying General Routine Use L and adding General Routine Use M regarding response to a suspected or confirmed breach of personally identifiable information. EPA is also modifying SEMS to add three Specific Routine Uses that may include disclosure to appropriate Federal, state, local, and tribal authorities in conformity with Federal, state, local,

and tribal laws when necessary to protect the environment or public health or safety, including effectively carrying out an investigation or response. Information sharing agreements may be used as a mechanism to define appropriate limitations on use and disclosure of Privacy Act information by state, tribal, and local officials. Information may also be shared with state agencies and with the public as part of their participation in the Superfund evaluation and decision-making process. This may include public disclosure of addresses where EPA determines cleanup actions are required. In cases of emergency, EPA may share information with members of the public to assure protection of the environment or public health and safety. Records may be disseminated in response to other external requests, and in support of investigation; cleanup; program planning; community outreach; coordination with state, local and tribal entities; listing and de-listing of Superfund sites; enforcement activities; and litigation.

SYSTEM NAME AND NUMBER:

Superfund Enterprise Management System (SEMS), EPA–69.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system will be managed by the EPA's Office of Emergency Response, OLEM, 1200 Pennsylvania Ave. NW, Mail Code 5103 T, Washington, DC 20460. Information maintained pursuant to this notice may be located at EPA Headquarters Offices or at EPA Regional Offices, or at field offices established as part of the residential assessment field work, depending upon the location where the environmental assessment is conducted or where computer resources are located. Databases may be hosted at the EPA's National Computer Center located at 109 T.W. Alexandra Drive, Durham, NC 27709, or in OLEM's emergency response cloud hosting environment.

SYSTEM MANAGER(S):

Jennifer Sutton, Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 5202P, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number (703) 603–8718; *Sutton.Jennifer@epa.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, 9660 and 40 CFR 300; Resource Conservation and Recovery Act, 42 U.S.C. 6981; Clean Air Act, 42 U.S.C. 7403; Safe Drinking Water Act, 42 U.S.C. 300i; 300j–1; the Freedom of Information Act, 5 U.S.C. 552; Toxic Substances Control Act, 15 U.S.C. 2609; and Federal Water Pollution Control Act, 33 U.S.C. 1254, 1318, 1321.

PURPOSE(S) OF THE SYSTEM:

The purpose of SEMS is to provide project and program managers with data and information needed to plan, manage, track and report on investigation, cleanup, and enforcement activities taking place at Superfund sites. SEMS is an electronic repository of documents and data used to disseminate records in response to FOIA and other external requests, and in support of litigation; investigation; cleanup; program planning; community outreach; coordination with state, local and tribal entities; listing and de-listing of Superfund sites; and enforcement activities. SEMS tracks activities at each Superfund site which include assessment; removal; contamination and risk characterization; remedy selection and implementation; post construction operation and maintenance; enforcement activities; financial resources; and community involvement. SEMS may also be used to track activities at non-Superfund sites in the system which may include investigation, risk characterization, and enforcement and negotiation activities.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

This system covers potentially responsible parties (PRP), EPA employees with responsibilities at specific Superfund sites, members of the public who have made public comments on program decisions or who have environmental sampling results reported for their personal business or residence, and contractor and analytical laboratory staff with responsibilities on specific Superfund sites. This system also covers businesses and individuals subject to EPA regulatory or enforcement authority under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Clean Air Act, and the Federal Water Pollution Control Act; EPA employees with responsibilities under those statutes; members of the public who have made public comments on program decisions or who have environmental sampling results reported for their personal business or residence; and contractor and analytical laboratory staff with responsibilities on specific regulatory or enforcement matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Site location and basic descriptive information; contact information (*e.g.,* name, address, telephone number, email address) for key individuals with information and responsibilities on specific sites; data generated and obtained by EPA regarding site information and actions conducted at the site; information on buildings and other structures; planned and actual site financial and enforcement information; information on potentially responsible parties (PRP) or regulated entities; negotiation data; litigation/referral data; lien data; alternative dispute resolution data; litigation history; correspondence tracking; transcribed voice messages; property access information; land use restrictions; community involvement data (*i.e.,* location, contact data, technical assistance grant data); and medical and public health information pertaining to environmental sampling results or public complaints.

RECORD SOURCE CATEGORIES:

Information placed and maintained in SEMS is derived from, among other sources, existing programmatic records, EPA employees, contractors, grantees, civil investigators and attorneys, analytical laboratories, private entities, the public, state and local cleanup programs and officials, and public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (86 FR 62527, November 10, 2021): A, B, D, E, F, G, H, K, L, and M.

Additional routine uses that apply to this system are:

1. Records may be disclosed to Federal, state, local, and tribal authorities in conformity with Federal, state, local, and tribal laws when necessary to protect the environment or public health or safety, including carrying out an investigation or response. Personal medical records will not be shared. Information sharing agreements may be used as a mechanism to define appropriate limitations on use and disclosure of Privacy Act information by state, tribal, and local officials. Relevant Federal, state, tribal, and local laws may also provide assurance that the information will be kept confidential. Information

may also be shared with state agencies and with the public as part of their participation in the Superfund evaluation and decision-making process. This may include public disclosure of addresses where EPA determines cleanup actions are required.

2. In case of emergency, EPA may share information with members of the public to assure protection of the environment or public health and safety.

3. Records may be shared with external parties in support of investigation; cleanup; program planning; community outreach; coordination with state, local and tribal entities; listing and de-listing of Superfund sites; enforcement activities; and litigation.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored electronically in an Agency-approved database (Oracle) and managed by system developers and administrators, along with EPA Office of Superfund Remediation and Technology Information (OSRTI) personnel. Incremental system backups are performed nightly and monthly. Actual files are stored in a Windows file server.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved by Site Name, Site ID Number, Author, Addressee, Document Title, Document Date, and Document ID Number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records maintained in this system are subject to record schedule 0755, which is still being finalized.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security controls used to protect personal sensitive data in SEMS are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800–53, ''Security and Privacy Controls for Federal Information Systems and Organizations,'' Revision 5.

1. Administrative Safeguards: The system has a single point of access via a front-end Portal. All users are required to complete a new user form (signed by their supervisor) and take online security training before they are provided with access. All authorized users of the SEMS application are required to take an annual security and privacy awareness training identifying the user's role and responsibilities for protecting the Agency's information resources, as well as consequences for not adhering to the policy.

2. Technical Safeguards: Information is maintained in a secure username/password protected environment. Permission-level assignments allow users access only to those functions for which they are authorized. Audit logs are reviewed on a monthly basis to identify system access outside of normal business hours, anomalous user accounts or server names, or login failures. No external access to SEMS is provided.

3. Physical Safeguards: Access to all information and hardware is maintained in a secure, access-controlled facility at the NCC.

RECORD ACCESS PROCEDURES:

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.,* access). Requests must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of them by mail is desired; and (4) proof of identity. A full description of EPA's Privacy Act procedures for requesting access to records is included in EPA's Privacy Act regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of EPA's Privacy Act procedures for the correction or amendment of a record is included in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURES:

Individuals who wish to be informed whether a Privacy Act system of records maintained by EPA contains any record pertaining to them, should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or by email at: *privacy@epa.gov.* A full description of EPA's Privacy Act procedures is included in EPA's Privacy Act regulations at 40 CFR part 16.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 21237 (February 17, 2015).

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2022–12825 Filed 6–14–22; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0302; Docket No. 2022–0001; Sequence No. 3]

Submission for OMB Review; General Services Administration Acquisition Regulation; Modifications (Federal Supply Schedule) 552.238–82

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension to the information collection requirement regarding the Modifications (Federal Supply Schedule) clause.

DATES: Submit comments on or before July 15, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas O'Linn, Procurement Analyst, General Services Acquisition Policy Division, GSA, 202–445–0390 or email *gsarpolicy@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration Acquisition Regulation (GSAR) clause 552.238–82, Modifications (Federal Supply Schedule), which was previously titled and numbered as 552.238–81 Modifications (see *84 FR 17030* dated April 23, 2019), requires Contractors who have a GSA Federal Supply Schedule (FSS) contract to request a contract modification by submitting information to the contracting officer. The clause covers

the following types of contract modification requests: additional items/additional SINs, deletions, and price reductions. At a minimum, each contract modification request covered by this clause is to include an explanation for the request and supporting information.

B. Annual Reporting Burden

Respondents: 14,200.
Responses per Respondent: 1.
Total Responses: 14,200.
Hours per Response: 3.5.
Total Burden Hours: 49,700.

C. Public Comments

A 60-day notice published in the **Federal Register** at 87 FR 19936 on April 6, 2022. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0302, ''Modifications (Federal Supply Schedule)'' in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2022–12887 Filed 6–14–22; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''Measure Dx: A Resource to Identify, Analyze, and Learn from Diagnostic Safety Events.''

DATES: Comments on this notice must be received by August 15, 2022.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Measure Dx: A Resource To Identify, Analyze, and Learn From Diagnostic Safety Events

The Measure Dx resource (the Resource) is a modular toolkit that provides clinicians, quality and safety personnel, and healthcare organization leaders with guidance for implementing diagnostic safety measurement strategies for the purposes of learning and improvement. The Resource was developed and pilot tested (Fast Track OMB control number: 0935–0179) during the base year of an AHRQ contract awarded to the MedStar Health Research Institute and provides pragmatic recommendations for implementing measurement strategies that were identified in the AHRQ Issue Brief titled Operational Measurement of Diagnostic Safety: State of the Science. In particular, the Resource focuses on four broad measurement strategies that were assessed to be approaching readiness for implementation in operational settings.

AHRQ is requesting full OMB approval to conduct a formal evaluation of the Resource. AHRQ would like to further develop this resource, expanding on the initial pilot test which qualitatively examined feasibility of implementing the resource, general receptivity, and feedback for improvement.

This information collection has the following goal:

1. To evaluate the Resource in order to stimulate measurement activities for learning and improvement and quantitatively and qualitatively examine:

a. Feasibility of implementing the Resource with limited to no technical assistance;

b. User experience and satisfaction with the Resource;

c. Impact of the Resource on diagnostic safety policies or activities;

d. Yield of newly detected diagnostic safety events and associated learning resulting from use of the Resource;

e. Intent to sustain use of the Resource and continue with the diagnostic safety process following evaluation efforts.

This information collection is being conducted by AHRQ through its contractor, MedStar Health Research Institute, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following information collection instruments will be completed:

(1) Organizational Characteristics Survey—designed to qualitatively describe the characteristics of the organizations engaged in evaluation (*e.g.,* patient characteristics, practice size, and staffing).

(2) Organizational Self-Assessment Survey—designed to qualitatively assess the organization's readiness (*e.g.,* leadership support, resources, and safety culture/infrastructure) for implementing the Resource.

(3) The Safer Dx Checklist—A synthesis of foundational practices that health care organizations can use to advance diagnostic excellence. The checklist provides a framework for organizations to conduct a self-assessment to understand the current state of diagnostic practices, identify areas to improve, and track progress toward diagnostic excellence over time.

(4) Pre-test Evaluation Interview Protocol—designed to qualitatively assess the organization's current policies and structures related to diagnostic safety, plans for implementing the Resource, and initial feedback on resource materials.

(5) Post-test Evaluation Interview Protocol—designed to qualitatively assess the organization's experience with implementing the Resource, the impact of the Resource on diagnostic safety policies or activities in their organization, contextual information about whether and how the Resource facilitated case detection, and intent to sustain use of the Resource following evaluation efforts.

(6) Team Questionnaire—adapted to help organizations self-assess diagnostic teamwork in their organization & their diagnostic team's commitment to implementing the Resource.

(7) Case Review Summary Form—designed to quantitatively and qualitatively summarize the diagnostic safety intelligence that participants have detected, analyzed, and/or learned from while implementing one Measure Dx strategy.

(8) ECHO Calls Protocol—The purpose of virtual ECHO calls is to

foster bi-directional learning among the participating organizations, to check site progress during the implementation period and to understand ''real-time'' challenges, successes, and lessons learned. Standard questions for each ECHO session will be asked to foster shared learning and discussion. AHRQ will use the information collected to assess and enhance the feasibility of organizations in adopting the Resource to stimulate diagnostic safety measurement activities for learning and improvement. AHRQ's ability to publicly share a diagnostic measurement resource that has been scientifically validated is expected to be of great interest to the health care community and important in helping organizations measure diagnostic safety for patient safety and quality improvement efforts.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Organizational Characteristics Survey	10	1	1	10
Organizational Self-Assessment (from Measure Dx)	10	1	.5	5
Safer Dx Checklist	10	2	0.25	5
Pre-Test Interview Protocol	20	1	1	20
Post-test Evaluation Interview Protocol	20	1	1	20
Team Questionnaire	10	2	0.25	5
Case Review Summary Form	10	2	.75	15
ECHO Call Protocol	10	6	1	60
Total	100	NA	NA	140

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Organizational Characteristics Survey	10	10	[a] $57.61	$576.1
Organizational Self-Assessment (from Measure Dx)	10	5	[a] 57.61	288.05
Safer Dx Checklist	10	5	[a] 57.61	288.05
Pre-Test Interview Protocol	20	20	[b] 136.37	2,727.40
Post-test Evaluation Interview Protocol	20	20	[b] 136.37	2,727.40
Team Questionnaire	10	5	[a] 57.61	288.05
Case Review Summary Form	10	15	[b] 136.37	2,045.60
ECHO Call Protocol	10	60	[a] 57.61	3,456.60
Total	100	140	NA	12,397.25

* National Compensation Survey: Occupational wages in the United States May 2021 ''U.S. Department of Labor, Bureau of Labor Statistics.'' (*https://www.bls.gov/oes/current/oes_nat.htm#29-0000*).
[a] Based on the mean wages for *Medical and Health Services Managers (Code 11–9111).*
[b] Based on the mean wages for *Physicians (broad) (Code 29–1210).*

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: June 9, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–12828 Filed 6–14–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Rescinding Requirement for Negative Pre-Departure COVID–19 Test Result or Documentation of Recovery From COVID–19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), is hereby rescinding the Order titled,

''Requirement for Negative Pre-Departure COVID–19 Test Result or Documentation of Recovery from COVID–19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country.'' As subsequently amended, the Order required all air passengers, two years or older, traveling to the United States from a foreign country to present a negative COVID–19 test result from a sample taken no more than one day before departure, or documentation of recovery from COVID–19 in the past 90 days, before boarding a flight.

DATES: This rescission was implemented June 12, 2022.

FOR FURTHER INFORMATION CONTACT: Candice Swartwood, Division of Global Migration and Quarantine, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329; Telephone: 404–498–1600; Email: *dgmqpolicyoffice@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Order was one of several actions taken by the Federal government during earlier phases of the COVID–19 pandemic to help mitigate the further transmission and spread of SARS–CoV–2 variants into and within the United States. Since then, many circumstances have changed, including the widespread uptake of effective COVID–19 vaccines and accompanying vaccine- and infection-induced immunity, as well as the availability of effective therapeutics, and CDC remains focused on preventing medically significant disease, hospitalizations, and deaths from COVID–19. Accordingly, CDC has determined that it is not currently necessary to leave the Order in place to prevent introduction of currently circulating SARS–CoV–2 variants into the United States.

CDC continues to recommend that all travelers remain up to date with vaccination against COVID–19 and get tested for current infection with a viral test before and after they travel, and after any known exposure to a person with COVID–19, so they can take appropriate precautions to reduce the risk of exposing others while infectious. Furthermore, CDC continues to recommend that people wear masks in indoor public transportation settings.

Applicability of the Paperwork Reduction Act

In accordance with this Rescission Order, the Passenger Disclosure and Attestation form (OMB Control No. 0920–1318) has been amended to remove the testing requirement. CDC will publish a separate notice regarding this change under the Paperwork Reduction Act.

Referenced Order

A copy of the Order is provided below, and a copy of the signed Order can be found at *https://www.cdc.gov/quarantine/pdf/rescission-global-testing-order-p.pdf.pdf.*

Centers for Disease Control and Prevention Department of Health and Human Services

Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 71.20, 71.31(B)

Rescinding Requirement for Negative Pre-Departure Covid–19 Test Result or Documentation of Recovery From Covid–19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country

Summary and Action

On January 26, 2021, the Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), issued an Order titled, ''Requirement for Negative Pre-Departure COVID–19 Test Result or Documentation of Recovery from COVID–19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country.'' 86 FR 7387 (Jan. 28, 2021). As subsequently amended, the Order currently requires all air passengers, 2 years or older, traveling to the United States from a foreign country to present a negative COVID–19 test result from a sample taken no more than one day before departure, or documentation of recovery from COVID–19 in the past 90 days, before boarding a flight. 86 FR 69256 (Dec. 7, 2021).[1]

The Order was one of several actions taken by the Federal government during earlier phases of the COVID–19 pandemic to help mitigate the further transmission and spread of SARS–CoV–2 variants into and within the United States. At that time, CDC concluded that it was a reasonable and necessary measure in light of the increased risk of transmission and spread of SARS–CoV–2 variants by international air travel into the United States, as well as the low rate of vaccination and infection-induced immunity in the United States, and emergence of new variants of concern. Indeed, when the Order was last amended, it identified the Omicron variant as a variant of concern, noting uncertainty about how easily that variant might spread, the severity of disease it might cause, and the level of protection against it that vaccines might afford. 86 FR at 69259–60.

Since then, many circumstances have changed, including the widespread uptake of effective COVID–19 vaccines and accompanying vaccine- and infection-induced immunity, as well as the availability of effective therapeutics. However, CDC remains focused on preventing medically significant disease, hospitalizations, and deaths from COVID–19. CDC has determined that it is not currently necessary to leave the Order in place to prevent introduction of currently circulating SARS–CoV–2 variants into the United States. In its place, CDC has determined that travelers have access to tools (*e.g.,* vaccines, therapeutics, and recommended prevention measures) and guidance that allow travelers to make informed choices about the use of pre-departure testing and other prevention measures. CDC continues to recommend that all travelers remain up to date with vaccination against COVID–19 and get tested for current infection with a viral test before and after they travel, and after any known exposure to a person with COVID–19, so they can take appropriate precautions to reduce the risk of exposing others while infectious.

CDC monitors circulating SARS–CoV–2 variants around the world and can enhance prevention measures, including reinstituting testing requirements, as warranted, including if a variant emerges that may present increased risk of severe illness and death. Removing this requirement is consistent with the framework CDC released in February 2022, ''COVID–19 Community Levels,'' reflecting public health's focus on reducing medically significant disease, hospitalization, and deaths.[2]

[1] The Order stems from previous testing requirements, which varied in scope and applicability. For example, on December 27, 2020, the CDC implemented the Order, Requirement for Negative Pre-Departure COVID–19 Test Result for All Airline Passengers Arriving Into the United States From the United Kingdom, in response to the Alpha variant and rising number of COVID–19 cases.

[2] This new framework examines three currently relevant metrics for each U.S. county: new COVID–19 hospital admissions per 100,000 population in the past seven days, the percent of staffed inpatient beds occupied by patients with COVID–19, and total new COVID–19 cases per 100,000 population in the past seven days. *Indicators for Monitoring COVID–19 Community Levels and Implementing Prevention Strategies,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/downloads/science/Scientific-Rationale-summary_COVID-19-Community-Levels_2022.02.23.pptx* (Feb. 25, 2022).

Vaccines, including boosters, continue to be the most important public health tool for fighting COVID–19, and CDC recommends that all people get vaccinated against COVID–19 as soon as they are eligible and stay up to date with their vaccinations.[3] When the Order was first issued in January 2021, the United States and countries around the world were just embarking on efforts to vaccinate their populations and learn about emerging variants. Now, as of June 9, 2022, 70.9% of the U.S. population five years of age and older has received a primary series.[4] Additionally, booster shots are recommended for and available to individuals five years of age and older;[5] second booster shots are now recommended for adults ages 50 years or older and people ages 12 years and older who are moderately or severely immunocompromised.[6] The increased percentage of individuals who are not only fully vaccinated with a primary series but have also received one or more booster doses strengthens community and individual protection against serious illness from SARS–CoV–2 and reduces the associated strain on healthcare infrastructure. We know that the now-dominant Omicron variant, though more transmissible than prior variants, has generally caused less severe disease among those who are infected. COVID–19 vaccination still remains an effective measure to prevent medically significant disease, hospitalizations, and deaths.

Similarly, the availability of efficacious and accessible treatments adds a powerful layer of protection against severe COVID–19 that was not available in January 2021.[7] The U.S. Government's commitment to making such medications available and the ability to produce variant-specific treatments are critical components of the next phase of the fight against COVID–19. The observed reduction in severity of COVID–19 cases and ongoing effective use of pharmaceutical interventions contribute greatly to minimize medically significant disease and largely prevent excessive strain on the healthcare sector at this stage in the pandemic.[8]

Therefore, based on these considerations, I have concluded that continuation of the Order is not currently necessary.[9] There being no operational need to delay implementation of this rescission for more than a short period of time, it shall take effect for all aircraft departing from their point of origin on or after Sunday, June 12, 2022, at 12:01 a.m. Eastern Daylight Time (EDT). Importantly, CDC continues to recommend that all travelers remain up to date with vaccination against COVID–19 and get tested for current infection with a viral test before and after they travel, and after any known exposure to a person with COVID–19, so they can take appropriate precautions to reduce the risk of transmission while infectious. Furthermore, CDC continues to recommend that people wear masks in indoor public transportation settings.

Effective Date

This rescission shall be effective for all aircraft departing their point of origin on or after June 12, 2022, at 12:01 a.m. EDT.

Sherri Berger,

Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2022–13022 Filed 6–13–22; 4:15 pm]

BILLING CODE 4163–18–P

[3] *COVID–19 Vaccines Work,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness/work.html* (updated Dec. 23, 2021). *See also* Thompson MG, Natarajan K, Irving SA, et al. Effectiveness of a Third Dose of mRNA Vaccines Against COVID–19–Associated Emergency Department and Urgent Care Encounters and Hospitalizations Among Adults During Periods of Delta and Omicron Variant Predominance—VISION Network, 10 States, August 2021–January 2022. MMWR Morb Mortal Wkly Rep 2022;71:139–145 (Jan. 28, 2022). DOI: *http://dx.doi.org/10.15585/mmwr.mm7104e3* (attributing decline of vaccine effectiveness to waning vaccine-induced immunity over time, possible increased immune evasion by SARS–CoV–2 variants, or a combination of these and other factors and finding that receiving a booster shot was highly effective at preventing COVID–19-associated emergency department and urgent care encounters and preventing COVID–19-associated hospitalizations).

[4] *COVID Data Tracker,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#vaccinations_vacc-people-onedose-pop-5yr* (last visited June 10, 2022).

[5] *COVID Data Tracker Weekly Review: The Time Is Now—Interpretive Summary for June 3, 2022,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html* (June 3, 2022).

[6] *COVID–19 Vaccine Boosters,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html#second-booster* (updated May 24, 2022).

[7] *National COVID–19 Preparedness Plan—March 2022, https://www.whitehouse.gov/wp-content/uploads/2022/03/NAT-COVID-19-PREPAREDNESS-PLAN.pdf (last visited Mar. 30, 2022).* Antiviral pills will also be added to the stockpile for the first time. *See also Information About COVID–19 EUAs for Medical Devices,* U.S. Food and Drug Administration, *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization#coviddrugs* (updated June 3, 2022); *FDA News Release: Coronavirus (COVID–19) Update: FDA Authorizes First Oral Antiviral for Treatment of COVID–19,* U.S. Food and Drug Administration, *https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-first-oral-antiviral-treatment-covid-19* (Dec. 22, 2021).

[8] *Science Brief: Indicators for Monitoring COVID–19 Community Levels and Making Public Health Recommendations,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/indicators-monitoring-community-levels.html* (updated Mar. 4, 2022); *Nationwide COVID–19 Infection- and Vaccination-Induced Antibody Seroprevalence (Blood donations),* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#nationwide-blood-donor-seroprevalence* (last updated Feb. 18, 2022).

[9] This Order is not a legislative rule within the meaning of the Administrative Procedure Act (''APA'') but rather a rescission of a previous Order undertaken as an emergency action under the existing authority of 42 U.S.C. 264(a) and 42 CFR 71.20, 71.31(b), which was taken without notice and comment. In the event that a court determines this rescission qualifies as a legislative rule under the APA, notice and comment and a delay in effective date are not required because the prior Order was established without notice and comment and there is good cause to lift that restriction immediately, given the current judgment that it is unnecessary to prevent the introduction of COVID–19 into the United States and to seek comment prior to the effective date of this notice would be impracticable and contrary to the public interest. 5 U.S.C. 553(b)(3)(B). Further, while this Order is major under the Congressional Review Act ''CRA'', it is not necessary to delay the effective date for similar reasons of good cause. 5 U.S.C. 808(2).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Cooperative Agreement To Fund Ministry of Health (MOH)—Trinidad & Tobago (TT)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately $2,000,000 for Year 1 of funding to the Ministry of Health– Trinidad & Tobago. This award will help build national capacity of TT to treat HIV and other diseases of public health importance impacting people living with HIV (PLHIV) and populations affected by HIV, as well as move progress towards achieving the 95–95–95 goals and ensure sustainable control of the epidemic in TT. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2022, through September 29, 2027.

FOR FURTHER INFORMATION CONTACT: Douan Kirivong, Center for Global Health, Centers for Disease Control and Prevention, 142 Old Hope Road,

Kingston 6, Jamaica, Telephone: 800–232–6348, Email: *bpq7@cdc.gov.*

SUPPLEMENTARY INFORMATION: The single-source award will provide high quality prevention, care, and treatment services for PLHIV; strengthen strategic health information; and provide equitable access to comprehensive public health services addressing PLHIV and other diseases impacting PLHIV in TT.

The Ministry of Health is in a unique position to conduct this work, as it is the national authority charged with oversight of the entire health system in TT. The HIV and AIDS Coordinating Unit (HACU) in the MOH leads the Ministry of Health's response in reducing the incidence of HIV infections in TT and mitigating the impact of HIV/AIDS in persons infected and affected nationwide.

Summary of the Award

Recipient: Ministry of Health (MOH)—Trinidad & Tobago (TT).

Purpose of the Award: The purpose of the award is to help build national capacity of TT to treat HIV and other diseases of public health importance impacting PLHIV and populations affected by HIV, as well as move progress towards achieving the 95–95–95 goals and ensure sustainable control of the epidemic in TT.

Amount of Award: The approximate year 1 funding amount will be $2,000,000 in Federal Fiscal Year (FYY) 2022 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

Authority: This program is authorized under Public Law 108–25 (the United States Leadership Against HIV AIDS, Tuberculosis and Malaria Act of 2003).

Period of Performance: September 30, 2022, through September 29, 2027.

Dated: June 9, 2022.

Terrance Perry,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–12847 Filed 6–14–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Public Health Service Act (PHS), Delegation of Authority

Notice is hereby given that I have delegated to the Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), without authority to redelegate, all authorities vested in the Secretary, under Sections 2695G–2695I, Title XXVI of the PHS Act (42 U.S.C. 300ff–138—300ff–140), as amended. This may not be redelegated.

This delegation is effective upon date of signature. In addition, I hereby affirm and ratify any actions taken by you or your subordinates which involved the exercise of the authorities delegated herein prior to the effective date of this delegation.

Dated: June 9, 2022.

Xavier Becerra,

Secretary.

[FR Doc. 2022–12829 Filed 6–14–22; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Cooperative Agreement To Fund Zambia National Public Health Institute (ZNPHI)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately $10,000,000 with an expected total funding of approximately $50,000,000 over a 5-year period, to Zambia National Public Health Institute. The award will strengthen ZNPHIs' public health capacity and to support ZNPHI to work with countries to build strong National Public Health Institutes in the region. The CDC seeks to strengthen NPHIs that are credible, technically expert, and prioritize the protection of the public's health.

DATES: The period for this award will be September 30, 2022, through September 29, 2027.

FOR FURTHER INFORMATION CONTACT: Shana Eatman, Centers for Disease Control and Prevention, 1825 Century Center, MS V18–3, Atlanta, GA 30345, Telephone: 770–488–3933, E-Mail: *DGHPNOFOs@cdc.gov.*

SUPPLEMENTARY INFORMATION: The single-source award will allow ZNPHI to implement effective surveillance, laboratory, response, and capacity building functions to enhance the well-being of people in Zambia. ZNPHI will efficiently manage its responsibilities through transparent and data-driven decision making, robust organizational capacities, and effective internal/external stakeholder communication. ZNPHI will also work with other government of Zambia entities to implement public health strengthening activities. Likewise, ZNPHI will work with other National Public Health Institutes or Ministries of Health in the region to develop or strengthen their public health capacities and functions.

Zambia National Public Health Institute is in a unique position to conduct this work. ZNPHI was established in 2015 and operated under MOH authorities for several years. During this time, they have been funded by the Zambian government and other partners. The ZNPHI Act was passed in 2020, which officially established ZNPHI as an independent agency and the main institution responsible for public health and the national focal point for implementation of the International Health Regulations. ZNPHI's mandate also includes responsibility for the health security for the nation through the establishment and functioning of the public health emergency operations center; national public health laboratory; surveillance; workforce development and through the coordination of public and global health security.

Summary of the Award

Recipient: Zambia National Public Health Institute (ZNPHI).

Purpose of the Award: The purpose of this award is to strengthen ZNPHIs' public health capacity and to support ZNPHI to work with countries to build strong National Public Health Institutes in the region. The CDC seeks to strengthen NPHIs that are credible, technically expert, and prioritize the protection of the public's health.

Amount of Award: $10,000,000 in Federal Fiscal Year (FFY) 2022 funds, with a total estimated $50,000,000 for the 5-year period of performance, subject to availability of funds. Please note, this NOFO funding strategy is as follows: $2,000,000 for Core Component 1, and $8,000,000 in Approved but Unfunded (ABU) Components.

Authority: This program is authorized under Section 307 of the Public Health Service Act [42 U.S.C. 242*l*] and Section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act.

Period of Performance: September 30, 2022, through September 29, 2027.

Dated: June 9, 2022.

Terrance Perry,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–12837 Filed 6–14–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Cooperative Agreement To Fund India Council of Medical Research (IMCR) and ICMR Institutions: National Institute of Virology (NIV), Pune and National Institute of Epidemiology (NIE), Chennai

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces three (3) separate awards within the government of India to include the Indian Council of Medical Research (ICMR) New Delhi, National Institute of Virology (NIV) and National Institute of Epidemiology (NIE). For ICMR New Delhi, the award is for approximately $8,165,0000 with an expected total funding of approximately $24,495,000. For NIV, the award is for approximately $8,165,0000 with an expected total funding of approximately $24,495,000. For NIE, the award is for approximately $8,165,0000 with an expected total funding of approximately $24,495,000. The total 5-year period amount for the three recipients is $122,475,000. The awards will accelerate progress toward an India safe and secure from infectious disease threats through ICMR institutions' focus on emerging and re-emerging pathogens, including detecting, and controlling zoonotic disease outbreaks through a One Health approach; evaluating vaccine safety monitoring systems; capacitating the public health workforce in field epidemiology and outbreak response; and combating antimicrobial resistance.

DATES: The period for these awards will be September 30, 2022, through September 29, 2027.

FOR FURTHER INFORMATION CONTACT: Shana Eatman, Centers for Disease Control and Prevention, 1825 Century Center, MS V18–3, Atlanta, GA 30345, Telephone: 770–488–3933, E-Mail: *DGHPNOFOs@cdc.gov.*

SUPPLEMENTARY INFORMATION: The single-source awards will continue support to strengthening cooperation with and capacity of the India Council of Medical Research (ICMR) institutions to prevent avoidable epidemics, early detection of disease threats, and rapid and effective response.

India Council of Medical Research is in a unique position to conduct this work, as it was originally established as an apex body for the formulation, coordination, and promotion of biomedical research in India, and has taken up most of the laboratory-based surveillance of infectious diseases in recent years. Eligibility for funding is limited to the ICMR, New Delhi and ICMR institutions including the National Institute of Virology (NIV), Pune and the National Institute of Epidemiology (NIE), Chennai. ICMR is the apex governing body for the numerous national level institutes which are centres for excellence and reference in specific scientific area for India, namely National Institute of Virology, National Institute of Epidemiology, and several others. These institutions are mandated by the Ministry of Health of Family Health and Welfare (MoHFW) to provide oversight for laboratory confirmation of priority pathogens in India in a tiered manner as well as collate and analyze surveillance data for public health actions and work closely with the state governments where these institutes are located.

Summary of the Award

Recipient: India Council of Medical Research (IMCR), New Delhi and ICMR institutions: National Institute of Virology (NIV), Pune and National Institute of Epidemiology (NIE), Chennai.

Purpose of the Award: The purpose of these awards is to accelerate progress toward an India safe and secure from infectious disease threats through ICMR institutions' focus on emerging and re-emerging pathogens, including detecting, and controlling zoonotic disease outbreaks through a One Health approach; evaluating vaccine safety monitoring systems; capacitating the public health workforce in field epidemiology and outbreak response; and combating antimicrobial resistance. These GHS strategies will result in outcomes that will strengthen the Indian public health system; decrease morbidity and mortality; and improve pandemic and epidemic preparedness and response.

Amount of Award: $8,165,000 in Federal Fiscal Year (FFY) 2022 funds per institution, with a total estimated $122,475,0000 for the 5-year period of performance, subject to availability of funds. Please note, the NOFO funding strategy is as follows: $660,000 for Core Component 1, and $7,505,000 in Approved but Unfunded (ABU) Components for each recipient.

Authority: This program is authorized under Section 307 of the Public Health Service Act [42 U.S.C. 242*l*] and Section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act.

Period of Performance: September 30, 2022, through September 29, 2027.

Dated: June 9, 2022.

Terrance Perry,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–12850 Filed 6–14–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Public Health Service Act (PHS), Delegation of Authority

Notice is hereby given that I have delegated to the Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), without authority to redelegate, all authorities vested in the Secretary, under Sections 2695G–2695I, Title XXVI of the PHS Act (42 U.S.C. 300ff–138–300ff–140), as amended. This may not be redelegated.

This delegation is effective upon date of signature. In addition, I hereby affirm and ratify any actions taken by you or your subordinates which involved the exercise of the authorities delegated herein prior to the effective date of this delegation.

Dated: June 8, 2022.

Xavier Becerra,

Secretary.

[FR Doc. 2022–12835 Filed 6–14–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0013]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Sanitary Transportation of Human and Animal Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by July 15, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0773. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Sanitary Transportation of Human and Animal Food—21 CFR Part 1, Subpart O

OMB Control Number 0910–0773—Extension

This information collection supports FDA regulations regarding the sanitary transportation of human and animal food. The regulations are intended to focus on preventing food safety problems throughout the food chain and were issued under the Sanitary Food Transportation Act of 2005 (2005 SFTA), and the FDA Food Safety Modernization Act, enacted in 2011. The 2005 SFTA amended the Federal Food, Drug, and Cosmetic Act (FD&C Act), in part, by creating section 416 (21 U.S.C. 350e), which directs us to issue regulations to require shippers, carriers by motor vehicle or rail vehicle, receivers, and other persons engaged in the transportation of food to use prescribed sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated. Section 416 of the FD&C Act also directs that we prescribe appropriate human and animal food transportation practice requirements relating to: (1) sanitation; (2) packaging, isolation, and other protective measures; (3) limitations on the use of vehicles; (4) information to be disclosed to carriers and to manufacturers; and (5) recordkeeping.

In addition, the 2005 SFTA created section 402(i) of the FD&C Act (21 U.S.C. 342(i)), which provides that food that is transported or offered for transport by a shipper, carrier by motor vehicle or rail vehicle, receiver, or any other person engaged in the transportation of food under conditions that are not in compliance with the regulations issued under section 416 is adulterated and section 301(hh) of the FD&C Act (21 U.S.C. 331(hh)), which prohibits the failure by a shipper, carrier by motor vehicle or rail vehicle, receiver, or any other person engaged in the transportation of food to comply with the regulations issued under section 416 of the FD&C Act.

The 2005 SFTA also amended section 703 of the FD&C Act (21 U.S.C. 373) by providing that a shipper, carrier by motor vehicle or rail vehicle, receiver, or other person subject to section 416 shall, on request of an officer or employee designated by FDA, permit the officer or employee, at reasonable times, to have access to and to copy all records that are required to be kept under the regulations issued under section 416 of the FD&C Act.

Accordingly, we issued regulations in 21 CFR part 1, subpart O (21 CFR 1.900 through 1.934) that establish requirements for the sanitary transportation of human and animal food, as well as prescribe procedures for respondents who wish to request a waiver for any requirement. For additional information regarding Agency implementation of the 2005 SFTA, visit our website at *https://www.fda.gov/food/guidance-documents-regulatory-information-topic-food-and-dietary-supplements/sanitation-transportation-guidance-documents-regulatory-information.*

In the **Federal Register** of February 24, 2022 (87 FR 10369), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although one comment was received, it was not responsive to the information collection topics solicited.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1.912; Record retention	1,502,032	1	1,502,032	0.083 (5 minutes)	124,669

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate an annual recordkeeping burden of 124,669, which assumes 1,502,032 workers will spend an average of 5 minutes on activities related to the record retention requirements under § 1.912. We expect these activities will likely include documenting procedures and training, as well as sanitary transportation operations and specification requirements.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1.914; Waiver petitions	2	1	2	24	48

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate one waiver petition from each of two firms will be submitted and respondents will spend 24 hours to prepare and submit the petition to FDA.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
1.908; Disclosure of sanitary specifications; operating temperature conditions.	226	1	226	0.5833 (~35 minutes).	132

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Finally, we estimate an annual third-party disclosure burden of 132 hours, assuming each of 226 firms will spend an average of 35 minutes, annually, disclosing written records as required under § 1.908.

Based on an evaluation of the information collection, we have made no adjustments to our burden estimate.

Dated: June 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12914 Filed 6–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0705]

Q9(R1) Quality Risk Management; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Q9(R1) Quality Risk Management.'' The draft guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The current Q9 guideline published in 2006 provides a common, harmonized framework for Quality Risk Management (QRM) that can enable more effective and consistent risk-based decisions, both by regulators and industry, regarding the quality of drug substances and drug products across the product lifecycle. This draft guidance is a targeted revision that addresses four areas for improvement, including high levels of subjectivity in risk assessments and in QRM outputs; product availability risks; lack of understanding as to what constitutes formality in QRM work; and lack of clarity on risk-based decision-making. The revisions are intended to update the original Q9 guideline based on implementation experience to promote improved lifecycle management of hazards and prevent defects, recalls, and shortages.

DATES: Submit either electronic or written comments on the draft guidance by July 15, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–0705 for ''Q9(R1) Quality Risk Management.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' are publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper

submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002, or to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Rick Friedman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4348, Silver Spring, MD 20993–0002, 301–796–3268, *Rick.Friedman@fda.hhs.gov.*

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–5259, *Jill.Adleberg@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Q9(R1) Quality Risk Management.'' The guidance was prepared under the auspices of ICH. ICH has the mission of achieving greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, standardized marketing application submissions, and made many other improvements in the quality of global drug development and manufacturing and the products available to patients.

The six Founding Members of the ICH are the FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. Additionally, the Membership of ICH has expanded to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by involving technical experts from both regulators and industry parties in detailed technical harmonization work and the application of a science-based approach to harmonization through a consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In November 2021, the ICH Assembly endorsed the draft guideline entitled ''Q9(R1) Quality Risk Management'' and agreed that the guideline should be made available for public comment. The draft guideline is the product of the Quality Expert Working Group of the ICH. Comments about this draft guidance will be considered by FDA and the Quality Expert Working Group.

FDA is thus announcing the availability of a guidance for industry entitled ''Q9(R1) Quality Risk Management.'' The current Q9 guideline published in 2006 provides a common, harmonized framework for Quality Risk Management that can enable more effective and consistent risk-based decisions, both by regulators and industry, regarding the quality of drug substances and drug products across the product lifecycle. This draft guidance is a targeted revision that addresses four areas for improvement: (1) high levels of subjectivity in risk assessments and in QRM outputs; (2) product availability risks; (3) lack of understanding as to what constitutes formality in QRM work; and (4) lack of clarity on risk-based decision-making. The revisions are intended to update the original Q9 guideline based on implementation experience to promote improved lifecycle management of hazards and prevent defects, recalls, and shortages.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent the current thinking of FDA on ''Q9(R1) Quality Risk Management.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction

Act of 1995 (PRA) (44 U.S.C. 3501–3520) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collection of information in 21 CFR part 211 has been approved under OMB control number 0910–0139.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

Dated: June 8, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12919 Filed 6–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Intent To Establish the 2025 Dietary Guidelines Advisory Committee and Solicitation of Nominations for Membership

AGENCY: U.S. Department of Health and Human Services (HHS), Office of the Assistant Secretary for Health; U.S. Department of Agriculture (USDA), Food, Nutrition, and Consumer Services.

ACTION: Notice.

SUMMARY: The Departments of Health and Human Services and Agriculture announce the intent to establish a Dietary Guidelines Advisory Committee and invite nominations for the Committee.

DATES: Nominations must be submitted by 11:59 p.m. Eastern Time on July 15, 2022.

ADDRESSES: Nominations may be submitted by email to *DietaryGuidelines@hhs.gov.* Alternatively, nominations may be sent to: Dietary Guidelines Advisory Committee Nominations, Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), HHS; 1101 Wootton Parkway, Suite 420; Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Janet de Jesus, MS, RD, Nutrition Advisor, telephone 240–453–8266, Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, *DietaryGuidelines@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Authority and Purpose: Section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) requires the Secretaries of HHS and USDA to publish the *Dietary Guidelines for Americans* (*Dietary Guidelines*) jointly at least every five years. The law instructs that this publication shall contain nutritional and dietary information and guidelines for the general public, shall be based on the preponderance of scientific and medical knowledge current at the time of publication, and shall be promoted by each federal agency in carrying out any federal food, nutrition, or health program. The current edition of the *Dietary Guidelines* (2020–2025) provides guidance on the entire life span, from birth to older adulthood, including pregnancy and lactation. The *Dietary Guidelines for Americans, 2025–2030* will continue to provide food-based dietary guidance across the entire lifespan to help meet nutrient needs, promote health, and reduce the risk of chronic disease.

The 2025 Dietary Guidelines Advisory Committee (Committee) shall be formed and governed under the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App), which sets forth standards for the formation and use of advisory committees. The Committee is established to provide independent, evidence-based advice and recommendations to be considered by HHS and USDA in the Departments' development of the *Dietary Guidelines for Americans, 2025–2030.* The Committee's review and advice will focus on the scientific questions prioritized by HHS and USDA with the potential to inform nutrition guidance for Americans across the lifespan. Formation of the Committee is necessary to adequately review the science to inform the *Dietary Guidelines* and is in the public interest.

The Committee is expected to begin meeting in early 2023; the Committee will meet approximately five times during its operation. Pursuant to the FACA, all Committee meetings will be open to the public. The Committee will be established to accomplish a single, time-limited task. The Committee will develop a scientific report of its recommendations that will be submitted to the Secretaries of HHS and USDA. Upon delivery of its report to the Secretaries or when the Committee's charter expires two years after it is filed, the activities of the Committee will be terminated.

Structure: The Committee will consist of 15 to 20 members, including the Chair and Vice-Chairperson. Factors to be considered in selecting individuals to serve on the Committee include educational background, professional experience, and demonstrated scientific expertise in the issues to be examined by the Committee, as well as statutory obligations under FACA and desire for a balanced and diverse membership.

Expertise in human nutrition related to disease prevention and health promotion for the specific scientific topics identified by the Departments to be examined by the Committee will be sought. Expertise will also be sought related to health equity and the scientific approaches used to review the evidence (systematic reviews, food pattern modeling, and data analysis). Information on the scientific topics is available at *www.dietaryguidelines.gov.*

Equal opportunity practices regarding membership appointments to the Committee will be aligned with HHS and USDA policies. To the extent possible, HHS and USDA will ensure the Committee membership is balanced in expertise, experience, education, and institutional affiliation and is reflective of the racial, ethnic, gender, and geographic diversity within the United States.

Individuals will be appointed to serve as members of the Committee to evaluate the scientific evidence, not to represent the viewpoints of any specific group. Members of the Committee will be classified as Special Government Employees (SGE)s during their term of appointment and, as such, are subject to the ethical standards of conduct for federal employees. Upon entering the position and annually throughout the approximate 2-year term of appointment, members of the Committee will be required to complete and submit a report of their financial holdings.

Nominations and Appointments for Memberships: Nominees, including self-nominees, will be considered for appointment as members of the Committee. Only complete nomination packages submitted within the allotted time period will be considered. To be considered for an appointment, submission of the following information for each nominee is required: (1) a cover letter that clearly states the name and place of work of the nominee, the rationale for the nomination (*i.e.,* which specific topics they have expertise in, highlighting relevant experience in health equity and the scientific

approaches used by the Committee, if applicable), and a statement that the nominee would be willing to serve as a member of the Committee, if selected; (2) the name, address, telephone number, and email address for the individual being nominated and the nominator, if applicable; and (3) a copy of the nominee's curriculum vitae, limited to no more than 15 pages.

The curriculum vitae should include the following information: (a) education; (b) experience (current and former); (c) affiliations (food, nutrition, public health, and/or other relevant associations, including positions held); (d) current memberships (expert panels, committees, or other relevant groups, including positions held); (e) peer-reviewed publications (for past 10 years); (f) oral presentations (for past 5 years); (g) editorials, opinion pieces, and blogs (for past 5 years); (h) grants, contracts, or research funding (for past 15 years); (i) name of any corporation, professional society, association, panel, company, firm, government agency (federal, state, and local), research organization, educational institution, committee, or other organization or institution (government, private, and not-for-profit; domestic and foreign) in which the nominee's services have been, will be, or are expected to be provided, with or without compensation, including on a part-time or seasonal basis as an officer, medical staff, board member, owner, trustee, director, expert advisor, consultant, official spokesperson, member of speakers bureau, or expert witness (for past 10 years and upcoming); (j) other paid travel or honoraria received, not included above (for past 5 years). If the nominee does not have anything to report for the section(s), indicate ''none.'' Web links to publications, presentations, and other materials available online are requested, when available.

Where prohibited by federal law or regulations, nominations will not be accepted directly from USDA research and promotion boards. Self-nominations and nominations by members of research and promotion boards in their individual capacity will be considered. Federal employees should not be nominated for consideration for appointment to this Committee.

Rachel L. Levine,

ADM, Assistant Secretary for Health, U.S. Department of Health and Human Services.

[FR Doc. 2022–12865 Filed 6–14–22; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Population and Public Health Approaches to HIV/AIDS Study Section.

Date: July 14–15, 2022.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Chemistry, Biochemistry and Biophysics A.

Date: July 21, 2022.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4390, *shan.wang@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: July 22, 2022.

Time: 12:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, 301–435–1170, *luow@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 9, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12832 Filed 6–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, National Cancer Institute, July 11, 2022, 11:00 a.m. to July 12, 2022, 3:30 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on June 6, 2022, FR Doc 2022–12046, 87 FR 34280.

This notice is being amended to change the meeting end time on July 12, 2022, from 3:30 p.m. to 4:15 p.m. The meeting will now be held on July 11, 2022, from 11:00 a.m. to 2:40 p.m. and July 12, 2022, from 11:00 a.m. to 4:15 p.m. The meeting will be held as a virtual meeting and is partially closed to the public.

Dated: June 9, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12834 Filed 6–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information: Inviting Comments and Suggestions From Stakeholders on Pediatric Medical Devices Public-Private Partnership

AGENCY: National Institutes of Health, HHS.

ACTION: Request for Information.

SUMMARY: The National Institute of Child Health and Human Development (NICHD), in collaboration with the National Institute of Biomedical Imaging and Bioengineering (NIBIB), seek

comments and input focusing on challenges, gaps, clinical needs, and research opportunities related to Pediatric Medical Devices (PMD) to inform priorities for a Public Private Partnership (PPP) to catalyze the national ecosystem. Such ecosystem will focus on optimizing the translation of technological advancements into medical devices designed, evaluated, and approved for pediatric populations to improve quality of life in this population. These comments are requested from public and private stakeholders such as, but not limited to, innovators, researchers, academic and medical centers, small- and large-scale industries, non-profit organizations, patients, providers, advocacy groups, payors, and federal agencies.

DATES: The Request for Information is open for public comment and will be accepted through Sept 21, 2022, to ensure consideration.

ADDRESSES: Responses should be limited to one to two page(s) and marked with this RFI identifier ''NOT–EB–22–008'' in the email subject line as well as in the title of the response. Responses should be directly submitted to *peds.medtech@nih.gov.*

FOR FURTHER INFORMATION CONTACT: Questions about this request for information should be directed to, Afrouz Anderson, Ph.D., National Institute of Biomedical Imaging and Bioengineering (NIBIB), National Institutes of Health, 6707 Democracy Boulevard, Suite 200, Bethesda, MD 20892, *peds.medtech@nih.gov,* 301–496–4558.

SUPPLEMENTARY INFORMATION: This RFI is in accordance with the NIH Reform Act of 2006, 42 U.S.C. Sec. 282, as amended. Catalyzing and unifying the national ecosystem around pediatric medical devices will necessitate leveraging collective opportunities, such as through the formation of a multi-stakeholder Public Private Partnership (PPP) to address the existing challenges in development, optimization, and translation of pediatric medical devices.

Despite numerous legislative, regulatory, and scientific efforts of the recent past, there has been little change in the number of devices being developed, reviewed, and/or approved for use in the pediatric population in the United States. The cause of this public health problem is multifold:

- Real and perceived ethical considerations of carrying out trials in pediatric patients.
- The heterogeneous developmental range of children, from birth to 21 years.
- Lack of access to disease- and age-specific patient sets, and experienced clinical-trial infrastructure.
- Unclear regulatory pathways and financial environment (*i.e.,* unpredictable reimbursement).
- A lack of technical innovation for approaches to meet pediatric-specific needs.
- Lack of clear value proposition to device manufacturers and industry partners.

Such problems have caused difficulties such as off-label use of devices in children, often without clear instructions or with non-standard modifications that create further complications and risks. Additionally, many conditions for children that could be treated via a device are not pursued. Pediatric patients with serious or life-threatening diseases that are often in greatest need might only have access to an investigational medical device without an appropriate level of evidence.

Information Requested

NICHD and NIBIB seek information and actionable recommendations on research gaps, needs, best practices, innovative study designs and measurement, resources and data resources, and opportunities to inform a PPP to enhance pediatric medical devices space.

Specifically, respondents are asked to briefly address the following topics or categories in the context of Pediatric Medical Devices. Comments are strongly encouraged to address unique challenges of using pediatric medical devices on health disparity populations. NIH defines health disparity populations as racial and ethnic minority populations, less privileged socioeconomic status (SES) populations, underserved rural populations, sexual and gender minorities (SGM), and any subpopulations that can be characterized by two or more of these descriptions. For more information, please refer to NIH definition of Health Disparity (*https://www.nimhd.nih.gov/about/strategic-plan/nih-strategic-plan-definitions-and-parameters.html#:~:text=NIH%20defines%20health%20disparity%20populations,or%20more%20of%20these%20descriptions.*)

(1) Potential partners to ensure success of public-private partnership to advance the national PMD ecosystem. Some of these challenges pertain, but are not limited to, involvement and integration of:

(a) Philanthropic and non-profit organizations.

(b) Patient advocacy groups.

(c) Primary care providers, specialists and clinicians, clinical trialists, and pediatric patients.

(d) Financial experts.

(e) Regulatory science experts to evaluate new and existing regulations in PMD.

(2) Involvement of Private Industry while considering factors such as:

(a) Small market size in pediatric medical devices being one of the key barriers for industry participation.

(b) Identifying approaches to de-risk development and commercialization of PMD.

(c) Federal efforts to assist further small companies.

(d) Overcoming manufacturing, clinical trials, logistical and regulatory burdens.

(e) Engineering and manufacturing challenges for evaluation of feasibility, validation and scale-up strategies of device prototype and relative costs.

(3) Priorities in Pediatric Medical Device innovation, research, and commercialization such as:

(a) Accelerating PMD Research & Development, including, but not limited to, point of care technologies in response to Health Emergencies.

(b) Specific preclinical and clinical research areas to enhance innovation in pediatric medical devices.

(c) Projects focusing on development of technologies based on specific disease, conditions, and patient population.

(d) Reduce off-label usage of adult medical devices for pediatric patients.

(e) Resources and support for innovators, small business concerns to enhance successful development and commercialization of PMD designed and tested for pediatric indications.

(f) Building inclusive, diverse, and transdisciplinary workforce. For more information on diverse workforce, please refer to the Notice of NIH's Interest in Diversity NOT–OD–20–031 (*https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-031.html.*)

(4) Accountability measures to evaluate the program success in areas such as, but not limited to:

(a) Performance and accomplishment of public private partnership.

(b) Number of products and devices that obtain regulatory approval.

(c) Improvement of processes for PMD development and commercialization.

(5) Clinical Trial infrastructure, data sharing, and protocol standardization such as:

(a) Establishment of hospital-based and decentralized clinical trials networks to evaluate and validate new technologies and therapeutic devices.

(b) Issues pertaining to number of clinical sites.

(c) Patient reported outcomes.

(d) Challenges related to patient enrollment and limited dataset.

(e) Data science expertise, such as biostatistics, to address issues related to clinical trial database.

(f) Standardization of data and protocol integration across various health care settings.

(6) Reimbursement Challenges for Pediatric Medical Devices:

(a) Exploring reimbursement incentive strategies for Pediatric Medical Device innovators.

(b) Involvement of Federal agencies such as Centers for Medicare and Medicaid (CMS).

(c) Interaction with insurance companies during commercialization planning process.

(7) *Any other topics which may be relevant for NIH to enhance the national pediatric medical device ecosystem via public-private partnership.*

Responses to this RFI are voluntary and may be submitted anonymously. Please do not include any personally identifiable information or any information that you do not wish to make public. You may voluntarily include your name and contact information with your response. If you choose to provide NIH with this information, NIH will not share your name and contact information outside of NIH unless required by law. Proprietary, classified, confidential, or sensitive information should not be included in your response. The Government will use the information submitted in response to this RFI at its discretion. Other than your name and contact information, the Government reserves the right to use any submitted information on public websites, in reports, in summaries of the state of the science, in any possible resultant solicitation(s), grant(s), or cooperative agreement(s), or in the development of future funding opportunity announcements. This RFI is for informational and planning purposes only and is not a solicitation for applications or an obligation on the part of the Government to provide support for any ideas identified in response to it. Please note that the Government will not pay for the preparation of any information submitted or for use of that information.

Afrouz A. Anderson,

Program Director, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.

[FR Doc. 2022–12833 Filed 6–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0008]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Biographic Information (for Deferred Action)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 15, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2005–0024. All submissions received must include the OMB Control Number 1615–0008 in the body of the letter, the agency name and Docket ID USCIS–2005–0024.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 30, 2022, at 87 FR 18378, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0024 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Biographic Information (for Deferred Action).

(3) *Agency form number, if any, and the applicable component of the DHS*

sponsoring the collection: G–325A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses Form G–325A to collect biographic information from individuals requesting either military deferred action or non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A–3, G–5, and T and V nonimmigrant visas).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–325A is 1,550 and the estimated hour burden per response is 2.15 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,333 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $38,750.

Dated: June 10, 2022.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–12881 Filed 6–14–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0048]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Premium Processing Service

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 15, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0025. All submissions received must include the OMB Control Number 1615–0048 in the body of the letter, the agency name and Docket ID USCIS–2006–0025.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 30, 2022, at 87 FR 18227, allowing for a 60-day public comment period. USCIS did receive eight comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0025 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Premium Processing Service.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–907; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. USCIS uses the data collected on this form to process a request for premium processing. The form serves the purpose of standardizing requests for premium processing and ensures that basic information required to assess eligibility is provided by the applicant or employer/petitioner.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–907 is 815,773 and the estimated hour burden per response is 0.58 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 473,148 hours.

(7) *An estimate of the total public burden (in cost) associated with the*

collection: The estimated total annual cost burden associated with this collection of information is $202,923,534.

Dated: June 10, 2022.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–12877 Filed 6–14–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0025]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Limited Permittee Transaction Report—ATF Form 5400.4

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140–0025 (Limited Permittee Transaction Report—ATF Form 5400.4) is being revised to remove all references to the Explosives Delivery Record—ATF Form 5400.8. The proposed IC is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 15, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Anita Scheddel, Program Analyst, Firearms and Explosives Industry Division, Explosives Industry Programs Branch, by mail at 99 New York Avenue NE, Mailstop 6N–518, Washington, DC 20226, by email at *eipbinformationcollection@atf.gov,* or by telephone at (202) 648–7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Revision of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Limited Permittee Transaction Report.

3. *The agency form number, if any, and the applicable component of the Department* sponsoring the collection:

Form number (if applicable): ATF Form 5400.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: The Limited Permittee Transaction Report—ATF Form 5400.4 is used to determine if limited permittees have exceeded the number of receipts of explosives materials they are allowed, as well as the eligibility of such persons to purchase explosive materials.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 100 respondents will respond to this collection six times annually, and it will take each respondent approximately 20 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 200 hours, which is equal to 100 (total respondents) * 6 (# of response per respondent) * .333333 (20 minutes or the time taken to prepare each response).

7. *An Explanation of the Change in Estimates:* Due to fewer respondents, the total responses and burden hours were reduced by 50 and 150 hours respectively since the last renewal in 2019. The public cost burden for this information collection also reduced by $65 although the postage rate increased from 55 cents to 58 cents since 2019.

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12857 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0107]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; National Firearms Act (NFA) Responsible Person Questionnaire—ATF Form 5320.23

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 15, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Connor Brandt, National Firearms Act Division, by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *nfaombcomments@atf.gov,* or by telephone at 304–616–3175.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (*check justification or form 83): Extension without Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* National Firearms Act (NFA) Responsible Person Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5320.23.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit, Federal Government, State Local or Tribal Government.

Other (if applicable): Not-for-profit institutions and Farms.

Abstract: The National Firearms Act (NFA) Responsible Person Questionnaire—ATF Form 5320.23 (ATF Form 5320.23) must be completed by a responsible person (RP), identified as part of a trust or legal entity on the Application to Make and Register a Firearm—ATF Form 1 (5320.1) (ATF Form 1). This form must also be completed by a RP who is the identified as the firearm maker or the transferee on the Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4) (ATF Form 4), or the Application for Tax Exempt Transfer of Firearm—ATF Form 5 (5320.5) ATF Form 5.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 115,829 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 57,914.5 or 57,915 hours, which is equal to 115,829 (total respondents) * 1 (# of response per respondent) * .5 (30 minutes or the time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12856 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0015]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Application for Tax Exempt Transfer and Registration of Firearm—ATF Form 5 (5320.5)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 15, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Connor Brandt, National Firearms Act Division either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *nfaombcomments@atf.gov,* or by telephone at 304–616–3175.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension without Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Application for Tax Exempt Transfer and Registration of Firearm.

3. *The agency form number, if any, and the applicable component of the Department* sponsoring the collection:

Form number (if applicable): ATF Form 5 (5320.5).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government and State, Local or Tribal Government.

Other (if applicable): Individuals or households, Business or other for-profit, Not-for-profit institutions, and Farms.

Abstract: The Application for Tax Exempt Transfer and Registration of Firearm—ATF Form 5 (5320.5) is used request permission to transfer and register a National Firearms Act (NFA) firearm, and to claim exemption from the transfer tax.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,591 respondents will respond to this collection once annually, and it will take each respondent approximately 30.309 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5,350 hours, which is equal to 10,591 (total respondents) * 1 (# of response per respondent) * .5052 hours (30.309 minutes or the time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12854 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0014]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 15, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Connor Brandt, National Firearms Act Division either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *nfaombcomments@atf.gov,* or by telephone at 304–616–3175.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension without Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Application for Tax Paid Transfer and Registration of Firearm.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 4 (5320.4).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households, Business or other for-profit, Federal Government, and State, Local, or Tribal Government.

Other (if applicable): Not-for-profit institutions, or Farms.

Abstract: The Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4) must be completed to obtain permission to transfer and register a National Firearms Act (NFA) firearm. There is a tax of $5 or $200 on the transfer of an NFA firearm.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 123,339 respondents will respond to this collection once annually, and it will take each respondent an average 3.7843261 hours to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 466,755 hours, which is equal to 123,339 (total respondents) * 1 (# of response per respondent) * 3.7843261(the total time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12855 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0092]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Voluntary Magazine Questionnaire for Agencies/ Entities That Store Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until July 15, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension without Change of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Voluntary Magazine Questionnaire for Agencies/Entities That Store Explosive Materials.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local or Tribal Government.

Other: None.

Abstract: This information collection is used to identify the number and locations of public explosives storage facilities (magazines), which will enable Bureau of Alcohol, Tobacco, Firearms and Explosives personnel to respond properly to local emergencies such as natural disasters.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,000 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 500 hours, which is equal to 1,000 (total respondents) * 1 (# of response per respondent) * .5 (30 minutes or the time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 10, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12868 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0043]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; National Tracing Center Trace Request/ Solicitud de Rastreo del Centro Nacional de Rastreo—ATF Form 3312.1/3312.1 (S)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) OMB 1140–0043

National Tracing Center Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo –ATF Form 3312.1/ 3312.1 (S) is being updated to expand some form fields, include additional check boxes, and add a Privacy Act Statement to both forms. This IC is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until *August 15, 2022.*

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Neil Troppman, ATF National Tracing Center, by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *neil.troppman@atf.gov,* or by telephone at 304–260–3643.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension with Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* National Tracing Center Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 3312.1/3312.1 (S).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other (if applicable): Federal Government.

Abstract: The National Tracing Center Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo—ATF Form 3312.1/3312.1 (S) is used by Federal, State, local, and certain foreign law enforcement officials to request that Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) trace firearms used or suspected to have been used in crimes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,153 respondents will complete this form on average 21.24 times per year, and it will take each respondent approximately 6 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 2,449 hours, which is equal to 1,153 (total respondents) * 21.24 (# of response per respondent) * .1 (6 minutes or the time taken to prepare each response).

7. *An Explanation of the Change in Estimates:* Due to fewer requests for firearms tracing, the total respondents were reduced by 4,950. Consequently, the total responses and burden hours have also reduced by 319,987 and 31,999 hours respectively since the last renewal in 2019.

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12859 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0032]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Records of Acquisition and Disposition, Collectors of Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until July 15, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Records of Acquisition and Disposition, Collectors of Firearms.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individuals or households.

Abstract: This information collection is a recordkeeping requirement that allows Bureau of Alcohol, Tobacco, Firearms and Explosives personnel to inquire about acquisition and disposition (A&D) records for firearms, during the course of criminal investigations or government compliance inspections.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: An estimated 114,001 respondents will prepare records for this collection once annually, and it will take each respondent approximately 3.05 hours to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 347,703 hours, which is equal to 114,001 (total respondents) * 1 (# of response per respondent) * 3.05 hours (the total time taken to prepare each response).

(7) *An Explanation of the Change in Estimates:* The adjustment associated with this collection includes an increase in the total respondents and responses by 62,025, due to the addition of Type 01/02 firearms dealers and Type 03 firearms collectors. Consequently, the total burden hours have also increased by 189,176 since the last renewal in 2020.

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–12858 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—1EdTech Consortium, Inc. (Formerly IMS Global Learning Consortium, Inc.)

Notice is hereby given that, on June 1, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 1EdTech Consortium, Inc. f/k/a IMS Global Learning Consortium, Inc. (''1EdTech Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. IMS Global Learning Consortium, Inc. has changed its name to 1EdTech Consortium, Inc. Specifically, Arizona Department of Education, Phoenix, AZ; AvePoint EduTech Pte Ltd., Singapore, SINGAPORE; Carnegie Learning, Pittsburgh, PA; Charlotte-Mecklenberg Board of Education, Charlotte, NC; Corvallis School District, Corvallis, OR; Guilford County Schools, Greensboro, NC; Hamilton County Schools (TN), Chattanooga, TN; Medway Public Schools, Medway, MA; Mesquite Independent School District, Mesquite, TX; Newton County Schools, Covington, GA; Scottsdale Unified School District #48, Scottsdale, AZ; Signature Digital, Leicester, UNITED KINGDOM; Spring-Ford Area School District (PA), Royersford, PA; and Williamson County Schools, Franklin, TN, have been added as parties to this venture.

Also, E-Locker, Richmond, CANADA; ACT, Iowa City, IA; Navigatr, Leeds, UNITED KINGDOM; UChicago Impact, Chicago, IL; Ric ONE, Rye Brook, NY; Research Center for Computing & Multimedia, Hosei University, Tokyo, JAPAN; and Concentric Sky, Eugene, OR, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 1EdTech Consortium intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on March 17, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 3, 2022 (87 FR 26227).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–12900 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on May 31, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aegis Aerospace, Houston, TX; MAK Technologies, Cambridge, MA; Solena Systems, Inc., Rochester, NY; J&E Precision Tool LLC, Southampton, MA; ADVANCED ARMOR RESEARCH GROUP LLC, Fredericksburg, VA; Parallax Advanced Research Corporation, Beavercreek, OH; SWR Technology, Freemont, CA; Cummings Aerospace, Inc., Huntsville, AL; Armaments Research Company, Inc., Bethesda, MD; Baker Engineering LLC, Nunica, MI; R2C AEROSPACE LLC, Huntsville, AL; GENERAL ELECTRIC COMPANY dba GE ADDITIVE, West Chester, OH; Georgia Tech Research Corporation, Atlanta, GA; Protection Engineering Consultants, Dripping Springs, TX; DESAPRO, Inc., Rockledge, FL; The NOMAD Group, LLC, Morristown, NJ; Arnold Defense and Electronics LLC, Arnold, MO; Light Steering Technologies, Inc., Manchester, NH; NextGen Aeronautics, Inc., Torrance, CA; Delta Research, Inc., Huntsville, AL; North Star Imaging, Inc., Rogers, MN; Kratos SRE, Inc., San Diego, CA; ACCURATE MACHINE & TOOL CORPORATION, Madison, AL; Biospherical Instruments, Inc., San Diego, CA; Big Metal Additive LLC, Denver, CO; Space Electronics LLC, Berlin, CT; Canfield Consulting Group, LLC dba Canfield CyberDefense Group, Olney, MD; Southwest Dynamic Systems LLC, Albuquerque, NM; BH Technology LLC, Pomona, NY; Aveox, Inc., Simi Valley, CA; Wolfspeed, Inc., Durham, NC; BC Engineered Products, Morristown, NJ; 4D Tech Solutions, Fairmont, WV; Systems & Technology Research LLC dba STR, Woburn, MA; Thomas & Skinner, Inc., Indianapolis, ID; Kapex Manufacturing LLC, Saginaw, MI; National Instruments Corporation, Austin, TX; Colt's Manufacturing Company LLC, West Hartford, CT; Premier Precision Machining, dba Rand Precision Machining, Falconer, NY; and Jeffrey Okamitsu dba Blue Force Consulting, Westminster, MD, have been added as parties to this venture.

Also, LinQuest Corporation, Los Angeles, CA; Gramago LLC, Norman, OK; Victory Solutions, Inc., Huntsville, AL; G&W Products LLC, Fairfield, OH; Columbus Technologies and Services,

Inc., El Segundo, CA; Mountain Horse LLC, Colorado Springs, CO; Altavian, Inc., Gainsville, FL; Intevac Photonics, Inc., Santa Clara, CA; Spatial Integrated Systems, Inc., Virginia Beach, VA; Redpoint Engineering, Inc., Beavercreek, OH; Spear Power Systems LLC, Grandview, MO; AirTronic USA LLC, Spring Branch, TX; Pratt & Miller Engineering & Fabrication, Inc., New Hudson, MI; Invisible Interdiction, Inc., Vero Beach, FL; Sub-One Systems LLC, Tucson, AZ; Centauri LLC, Chantilly, VA; Diversified Technologies, Inc., Bedford, MA; Northrop Grumman Corporation, Azusa, CA; Intelligent Automation, Inc., Rockville, MD, Kopis Mobile LLC, Flowood, MS; Corficient Engineering Solutions, Inc., Lake Hopatcong, NJ; and Nammo Energetics Indian Head, Inc., Arlington, VA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on January 20, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 10, 2022 (87 FR 13756).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–12897 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States, et al.* v. *Yuhasz Bros., LLC,* Case No. 1:19–cv–1370, was lodged with the United States District Court for the Northern District of Ohio on June 7, 2022.

This proposed Consent Decree concerns a complaint filed by the United States and the State of Ohio against Defendant Yuhasz Bros., LLC, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. 1319, to obtain injunctive relief from the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to restore the impacted areas and/or perform mitigation.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Perry Rosen, Environment and Natural Resources Division, United States Department of Justice, Post Office Box 7611, Washington, DC 20044, *pubcomment_eds.enrd@usdoj.gov,* and refer to *United States, et al.* v. *Yuhasz Bros., LLC,* DJ # 90–5–1–1–21439.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of Ohio, located at 801 West Superior Avenue, Cleveland, OH 44113. In addition, the proposed Consent Decree may be examined electronically at *https://www.justice.gov/enrd/consent-decrees.*

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2022–12701 Filed 6–14–22; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Complaint and Consent Decree Under the Clean Air Act

On June 9, 2022, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States, Commonwealth of Kentucky Department for Environmental Protection, and Louisiana Department of Environmental Quality* v. *Westlake Petrochemical LLC, et al.,* Civil Action No. 22–cv–1577.

Plaintiffs filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties based on violations of the Clean Air Act's New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, Maximum Achievable Control Technology Standards, ''Title V'' program requirements and operating permits, and related Kentucky and Louisiana state implementation plan requirements. The alleged violations involve flares used at three petrochemical manufacturing facilities owned and operated by the defendant, in Calvert City, Kentucky and Lake Charles, Louisiana. Under the proposed consent decree, the defendants have agreed to perform injunctive relief (including flare gas minimization, flaring efficiency measures, and fenceline monitoring) that is estimated to cost $110,500,000 million, and pay a $1 million civil penalty.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer *United States, Commonwealth of Kentucky Department for Environmental Protection, and Louisiana Department of Environmental Quality* v. *Westlake Petrochemical LLC,* D.J. Ref. No. 90–5–2–1–11287. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $33.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $22.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–12853 Filed 6–14–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Inorganic Arsenic Standard

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 15, 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 (OSHA 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 efforts in obtaining information (29 U.S.C. 657).

The information collection requirements in the Inorganic Arsenic Standard provide protection for workers from the adverse health effects associated with exposure to inorganic arsenic. The Inorganic Arsenic Standard requires employers to: Monitor workers' exposure to inorganic arsenic, and notify workers of exposure-monitoring results; establish, implement, and update at least annually a written compliance program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls; notify anyone who cleans protective clothing or equipment of the potentially harmful effects of inorganic arsenic exposure; develop, update, and maintain a housekeeping and maintenance plan; monitor worker health by providing medical surveillance; post warning signs, and apply labels to shipping and storage containers of inorganic arsenic; develop and maintain worker exposure monitoring and medical records; and provide workers with information about their exposures and the health effects of exposure to inorganic arsenic. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 7, 2022 (87 FR 12738).

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: Inorganic Arsenic Standard.

OMB Control Number: 1218–0104.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 494.

Total Estimated Number of Responses: 17,451.

Total Estimated Annual Time Burden: 10,430 hours.

Total Estimated Annual Other Costs Burden: $1,120,896.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2022–12917 Filed 6–14–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Ground Control Plans for Surface Coal Mines and Surface Work Areas of Underground Coal Mines

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Each operator of a surface coal mine is required under 30 CFR 77.1000 to establish and follow a ground control plan that is consistent with prudent engineering design and which will ensure safe working conditions. The mine operator is required by § 77.1000–1 to file the ground control plan under § 77.1000 for highwalls, pits and spoil

banks with the appropriate District Manager. The mining methods employed by the operator are selected to ensure highwall, pit, and spoil bank stability. In the event of a highwall failure or material dislodgment, there may be very little time to escape possible injury; therefore, preventive measures must be taken. Each plan is based on the type of strata expected to be encountered, the height and angle of highwalls and spoil banks, and the equipment to be used at the mine. The plan is used to show how the mine operator will maintain safe conditions around the highwalls, pits, and spoil banks. Each plan is reviewed by MSHA to ensure that highwalls, pits, and spoil banks are maintained in a safe condition with sound engineering design.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 26, 2022 (87 FR 4047).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Ground Control Plans for Surface Coal Mines and Surface Work Areas of Underground Coal Mines.

OMB Control Number: 1219–0026.

Affected Public: Businesses or other for-profits institutions.

Total Estimated Number of Respondents: 287.

Total Estimated Number of Responses: 287.

Total Estimated Annual Time Burden: 1,962 hours.

Total Estimated Annual Other Costs Burden: $545.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–12915 Filed 6–14–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice of Employee Rights Under National Labor Relations Act Complaint Process

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Labor—Management Standards (OLMS)-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 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: President Obama signed Executive Order 13496 (E.O. 13496) on January 30, 2009, requiring certain Government contractors and subcontractors to post notices informing their employees of their rights as employees under Federal labor laws. The regulatory provisions implementing E.O. 13496 (29 CFR part 471) include the language of the required notices, and they explain posting and contractual requirements, the complaint process, the investigatory process, and sanctions, penalties, and remedies that may be imposed if the contractor or subcontractor fails to comply with its obligations under the Order. Specifically, 29 CFR part 471.11 provides for the Department's acceptance of written complaints alleging that a contractor doing business with the Federal government has failed to post the notice required by this rule. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 30, 2022 (87 FR 18397).

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–OLMS.

Title of Collection: Notice of Employee Rights under National Labor Relations Act Complaint Process.

OMB Control Number: 1245–0004.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 13 hours.

Total Estimated Annual Other Costs Burden: $6.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: June 10, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–12916 Filed 6–14–22; 8:45 am]

BILLING CODE 4510–86–P

DEPARTMENT OF LABOR

[Agency Docket Number: DOL–2022–0003]

Office of the Assistant Secretary for Policy; Request for Information on Design and Implementation Features for Open Data Services Provided by the Department of Labor

AGENCY: Office of the Assistant Secretary for Policy, Department of Labor.

ACTION: Request for information.

SUMMARY: The Department is seeking public input in support of its open data efforts to ensure that expanding public access to Federal data will best reflect public interests, serve public needs, and continue to be customer focused, while protecting the confidentiality of its data providers.

DATES: Written comments must be submitted through the Federal eRulemaking Portal as described below on or before December 12, 2022.

ADDRESSES: You may submit electronic comments in the following way:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as personally identifying information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

Instructions: All submissions received must include the Docket No. DOL–2021–0005 for ''Request for information on design and implementation features for open data services provided by the Department of Labor.'' Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and be publicly viewable at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, Chief Data Officer, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, *gibbons.scott.m@dol.gov,* 202–693–5075 (this is not a toll-free number), or for individuals with hearing or speech impairments, 1–877–889–5627 (this is the TTY toll-free Federal Information Relay Service number).

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor (Department) is committed to fostering a strong, open data policy that provides simple and meaningful public access to data, in formats that are most useful for public consumption and analyses of the data. The Department's open data policy must also comply with the law, including protecting personal and private information subject to the Privacy Act. The Department's open data policy is also consistent with Secretary's Order (SO) 02–2019,[1] the Federal Data Strategy,[2] and the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act).[3]

SO 02–2019 provides the Department's framework for building data capacity and includes the following requirements:

- Identify the critical role that data play in informing and influencing how the Department carries out its mission, and acknowledge that these data need to be leveraged, housed, described and documented, formatted, and made public in an optimal manner;
- Formalize the Data Board as the Department's data governance body, and as a forum to work across organizational lines to collaborate and coordinate effectively on data strategy, management, and policy issues, as well as data governance, stewardship, architecture, and utilization;
- Provide Departmental programs with clear descriptions of the motivation, context, and values associated with data governance and data strategy by linking evidence-based policymaking with the need for modern data infrastructure and strengthened data capacity; and
- Task the Data Board and the Chief Data Officer with serving the needs of the Department and its stakeholders to focus on the quality, consistency, and availability of data.

In addition, the Evidence Act and the recently published Federal Data Strategy have expanded the requirements for Federal agencies to build data capacity that benefits the public and to be transparent with their data assets. Examples of these expansions include Section 303 of the Evidence Act, which expands requirements for access to data for evidence and adds a presumption of accessibility to data, and Section 202(b) of the Evidence Act, which includes guidance to make data open by default. In similar fashion, the Federal Data Strategy explicitly calls on agencies to identify priority data sets (Action 1) and to identify their initial list of priority data assets for agency open data plans (Action 5).

Consistent with all of these requirements, the Department is building capacity for open data through the development of a new Application Programming Interface (API), and plans to provide open data through a data-as-a-service (DAAS) model. This model is expected to offer efficient, on-demand methods that enable users to create customized data extracts in a machine-readable format. The Department is also seeking to increase the quantity and types of data sets offered through DAAS, providing more standardized data documentation in electronic formats—including machine-readable—and designing a central portal for customers to find data, metadata, tools for ingesting data, and data-specific documentation.

II. Review Focus

The Department seeks public comment on specific approaches that could lead to wider and easier access, greater utility, and increased comprehensibility to data and associated documentation that the Department makes available. The Department also seeks comment on challenges with using existing Department data,[4] including access mechanisms, so that the Data Board and various Departmental programs can work to make improvements. Respondents should note that this request for comments does not address data products designed, collected, and published by the Bureau of Labor Statistics.

The Department seeks comments on the specific characteristics of data and supporting materials that would allow the public to better use and benefit from our open data. Examples may include:

1. Data content and format;

[1] *https://www.federalregister.gov/documents/2019/03/26/2019-05720/secretarys-order-02-2019-chief-data-officer-and-dol-data-board.*

[2] *https://strategy.data.gov/.*

[3] *https://www.govinfo.gov/content/pkg/PLAW-115publ435/pdf/PLAW-115publ435.pdf.*

[4] Examples of DOL data as they are currently offered include enforcement databases (*https://enforcedata.dol.gov/homePage.php*), Wage and Hour Division's enforcement data (*https://www.dol.gov/agencies/whd/data/charts*), the Office of Foreign Labor Certification's performance data (*https://www.dol.gov/agencies/eta/foreign-labor/performance*), and assorted data from the Unemployment Insurance program (*https://oui.doleta.gov/unemploy/DataDashboard.asp*).

2. Data documentation, including metadata content, codebooks, and data dictionaries;

3. Data formats specific to certain analysis patterns (*e.g.,* spatial analysis, machine learning, and program evaluation) including tagging, geocoding, and data encoding that reduce burdens and increase efficiency;

4. Data quality issues that diminish the benefit and utility of Departmental data and limit transparency and analyses; and

5. Challenges with data comparability including linking across program data, establishing common identifiers across data sets, and merging Departmental data with other Federal and non-Federal data sources.

The Department also solicits public comment on the following areas:

6. Identifying data sets that are currently useful and merit prioritization in forthcoming open data efforts;

7. Identifying data sets that are neither public nor available through restricted-use access programs that could provide value to the Department's stakeholders if made available;

8. The relative advantages and disadvantages of various machine-readable formats including JavaScript Object Notation (JSON), Extensible Markup Language (XML), and ASCII text files with or without comma-separated values (CSV) files;

9. The relative advantages and disadvantages of providing open data through DAAS vis-a-vis complexity, efficiency, convenience, automation, and user-friendliness;

10. Specific data sets and methodologies that would be useful in achieving the goals of President Biden's Executive Orders on Equity from January 2021 and on Customer Experience from November 2021; and relevant data and metadata standards that enhance interoperability, promote transparency, aid discovery, provide understanding, and facilitate integrating data from multiple sources.

Respondents are encouraged to associate the category numbering above within their responses to facilitate organization and analysis of the comments.

Signed at Washington, DC, this 7th day of June, 2022.

Scott Gibbons,

Chief Data Officer, Office of the Assistant Secretary for Policy.

[FR Doc. 2022–12510 Filed 6–14–22; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Report of Construction Contractor's Wage Rates

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department) is soliciting comments concerning a proposed revision of the information collection request (ICR) titled ''Report of Construction Contractor's Wage Rates,'' which describes the WD–10 form and its use in wage surveys to implement the prevailing wage requirements of the Davis-Bacon and Related Acts. The Department is proposing to revise the WD–10 form and create a new WD–10A pre-survey form that will be used to identify potential respondents to the WD–10. 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). The PRA process helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 15, 2022.

ADDRESSES: You may submit comments identified by Control Number 1235–0015, by either one of the following methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, large print, braille, audiotape, compact disc, or other accessible format), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background: The Davis-Bacon Act (DBA), as enacted in 1931 and subsequently amended, requires the payment of minimum prevailing wages determined by the Department of Labor to laborers and mechanics working on federal contracts in excess of $2,000 for the construction, alteration, or repair, including painting and decorating, of public buildings and public works. *See* 40 U.S.C. 3141 *et seq.* Congress has also included the Davis-Bacon requirements in numerous other laws, known as the Davis-Bacon Related Acts (the Related Acts and, collectively with the Davis-Bacon Act, the DBRA), which provide federal assistance for construction projects through grants, loans, loan guarantees, insurance, and other methods.

The DBA delegates to the Secretary of Labor the responsibility to determine the wage rates that are ''prevailing'' for each classification of covered laborers and mechanics on similar projects ''in the civil subdivision of the State in which the work is to be performed.'' 40 U.S.C. 3142(b). The Administrator of the Wage and Hour Division, through this delegation of authority, is responsible for issuing these wage determinations (WDs). The DBA implementing regulations provide that, for the purpose of making WDs, the Administrator will conduct a continuing program for obtaining and compiling wage rate information. 29 CFR 1.3. As part of this program, the Administrator developed the WD–10 form to solicit information that is used to determine locally

prevailing wages under the Davis-Bacon and Related Acts. The wage-data collection using the WD–10 form is a primary source of information and is essential to the determination of prevailing wages. The current WD–10 information collection, 1235–0015, has been approved by the Office of Management and Budget (OMB) and is currently approved for use through March 2024.

The Department is now proposing changes to the WD–10 form to improve the overall efficiency of the DBA survey process. The proposed changes aim to streamline the collection of data required for the survey and make the collection less burdensome for respondents. The revised WD–10 form, as proposed, contains questions and requests for information that are arranged in a manner that allows respondents to quickly gather and report information necessary for the Wage and Hour Division to properly determine and publish prevailing wage rates. For example, on the proposed WD–10 form, the respondent will no longer be asked to determine a peak week(s) of construction for reported projects, identify the project value, or identify contractors or subcontractors on the project. Additionally, the proposed form uses a ''picklist'' of labor classifications from which a respondent may choose, rather than requiring the respondent to manually enter the labor classification into an open text field. These proposed changes to the WD–10 form, among others, are designed to increase the ease of participating in a survey and solicit more usable wage data to issue more comprehensive wage determinations.

The Department also proposes to add a new WD–10A collection instrument, which will be a companion form to the WD–10 form. This collection instrument will be used pre-survey to identify potential respondents that performed construction work within the survey period in the survey area, which will enable the Department to solicit for survey participation. This pre-survey information requests will better identify additional contractors that performed construction work in the survey area. A complete listing of the proposed changes to the information collection is posted on the Department's website at: *https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/wd10pra.*

II. Review Focus: The Department of Labor is particularly interested in comments which:

- 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- 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.

III. Current Actions: The Department of Labor seeks approval for a revision of this information collection in order to ensure effective administration of construction contractor wage rate programs.

Type of Review: Revision.

Agency: Wage and Hour Division.

Title: Report of Construction Contractor's Wage Rates.

OMB Control Number: 1235–0015.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal, State, Local, or Tribal Government.

Agency Numbers: Forms WD–10; WD–10A.

Total Respondents: 3,641.

Total Annual Responses: 21,939.

Estimated Total Burden Hours: 7,161.

Estimated Time per Response: WD–10—20 minutes; WD–10A—10 minutes.

Frequency: On occasion.

Dated: June 10, 2022.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2022–12918 Filed 6–14–22; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL SCIENCE FOUNDATION

National Artificial Intelligence Research Resource Task Force; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: National Artificial Intelligence Research Resource Task Force (84629).

Date and Time: July 25, 2022, 11:00 a.m. to 5:00 p.m. EDT.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314/Virtual.

Virtual meeting attendance only; to attend the virtual meeting, please send your request for the virtual meeting link to the following email: *cmessam@nsf.gov.*

Type of Meeting: Open.

Contact Person: Brenda Williams, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–8900; email: *bwilliam@nsf.gov.*

Purpose of Meeting: The Task Force shall investigate the feasibility and advisability of establishing and sustaining a National Artificial Intelligence Research Resource; and propose a roadmap detailing how such resource should be established and sustained.

Agenda: In this meeting, the Task Force will receive readouts from working-group discussions held on the topics of developing a startup, funding, and sustainment roadmap; defining specific structures and processes around the ownership and administration of the NAIRR; implementing ethical/responsible research controls; and integrating computational, data, and testbed resources into a federated cyberinfrastructure. The Task Force will also discuss international perspectives on the NAIRR and statutory authorities related to establishing the NAIRR, and deliberate on an outline of the final implementation plan.

Dated: June 9, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–12851 Filed 6–14–22; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Site visit review of Platform for the Accelerated Realization, Analysis, and Discovery of Interface Materials (PARADIM), a Materials Innovation Platform (MIP), at Cornell University (lead institution) and Johns Hopkins University by the NSF Division of Materials Research (DMR). (#1203)

Date and Time: July 14, 2022; 8:00 a.m.–8:00 p.m.; July 15, 2022; 8:00 a.m.–3:00 p.m.

Place: Johns Hopkins University, Bloomberg Center for Physics and Astronomy, 3701 San Martin Drive, Room 462, Baltimore, MD 21218.

Type of Meeting: Part-open.

Contact Person: Dr. Cosima Boswell-Koller, Program Director, Division of Materials Research, National Science Foundation, Room E9475, 2415 Eisenhower Avenue Alexandria, VA 22314, Telephone (703) 292–4959.

Purpose of Meeting: Site visit to provide advice and recommendations concerning further support of the MIP at Cornell University and Johns Hopkins University.

Agenda

Thursday, July 14, 2022

8:00 a.m.–9:15 a.m. Executive Session (Closed)
9:15 a.m.–11:30 a.m. Review of PARADIM MIP
11:30 a.m.–1:00 p.m. Executive Session (Closed)
1:00 p.m.–4:00 p.m. Review of PARADIM MIP
4:00 p.m.–8:00 p.m. Executive Session (Closed)

Friday, July 15, 2022

8:00 a.m.–3:00 p.m. Executive Session (Closed)

Reason for Closing: The work being reviewed during closed portions of the site review includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with PARADIM/MIP. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 10, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–12903 Filed 6–14–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–0289; NRC–2022–0115]

Constellation Energy Generation, LLC; Three Mile Island Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions to Constellation Energy Generation, LLC (CEG) in response to a May 20, 2021, request. The exemptions permit CEG to use a portion of the funds from the Three Mile Island Station, Unit 1 (TMI–1) decommissioning trust fund (DTF) for site restoration activities at TMI–1 without prior notice to the NRC in the same manner that withdrawals are made under NRC regulations for decommissioning activities.

DATES: The exemptions were issued on June 8, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0115 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0115. 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.
- *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, 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.

FOR FURTHER INFORMATION CONTACT: Amy Snyder, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6822, email: *Amy.Snyder@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

TMI–1 is a single unit Babcock & Wilcox Pressurized Water Reactor. CEG is the holder of Renewed Facility Operating License (RFOL) No. DPR–50 for TMI–1. On February 1, 2022, CEG notified the NRC that Exelon Generation Company, LLC (Exelon) officially changed its name to Constellation Energy Generation, LLC. By letter dated June 20, 2017, per Section 50.82(a)(1)(i) of title 10 of the *Code of Federal Regulations* (10 CFR), Exelon certified to the NRC that it planned to permanently cease power operations at TMI–1 on or about September 30, 2019. TMI–1 subsequently permanently ceased power operations on September 20, 2019. By letter dated September 26, 2019, pursuant to 10 CFR 50.82(a)(1)(ii), Exelon certified to the NRC that all fuel had been permanently removed from the TMI–1 reactor vessel and placed in the spent fuel pool as of September 26, 2019. Accordingly, pursuant to 10 CFR 50.82(a)(2), the TMI–1 RFOL no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessel.

By letter dated April 5, 2019, Exelon provided to the NRC a Post-Shutdown Decommissioning Activities Report (PSDAR) for TMI–1. The PSDAR reflected the use of a safe storage condition (SAFSTOR), thereby reflecting plans to complete decommissioning within a 60-year period after the permanent cessation of operations. The PSDAR referenced a site-specific decommissioning cost estimate (DCE) and an updated Spent Fuel Management Plan (SFMP). The staff's review of the PSDAR and SFMP concluded that Exelon demonstrated reasonable assurance that funding will be available to decommission TMI–1 pursuant to the SAFSTOR method and that the activities and associated costs of the TMI–1 SFMP appear reasonable. Exelon previously received an exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) that allows use of the TMI–1 DTF for spent fuel management at TMI–1.

II. Request/Action

By letter dated May 20, 2021, the licensee, pursuant to 10 CFR 50.12, ''Specific exemptions,'' submitted a request for exemption from the specific requirements of 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(1)(iv). The exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would permit CEG to make withdrawals from the TMI–1 DTF for site restoration activities at TMI–1. The exemption from 10 CFR 50.75(h)(1)(iv) would also permit the licensee to make these withdrawals without prior notification to the NRC, similar to withdrawals for decommissioning activities made in accordance with 10 CFR 50.82(a)(8).

The funds within the TMI–1 DTF were collected in compliance with the 10 CFR 50.75, ''Reporting and recordkeeping for decommissioning planning,'' financial requirements while

TMI–1 was operating. The exemption request included a cash-flow analysis reflecting the balance of funds within the DTF throughout the decommissioning period, ending the year of license termination in 2081. The requirements of 10 CFR 50.82(a)(8)(i)(A) restrict the use of DTF withdrawals to expenses related to legitimate decommissioning activities consistent with the definition of decommissioning in 10 CFR 50.2, ''Definitions.'' The definition of ''decommission'' in 10 CFR 50.2 is: to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—(1) Release of the property for unrestricted use and termination of the license; or (2) Release of the property under restricted conditions and termination of the license. This definition does not include activities associated with spent fuel management and site restoration activities. The requirements of 10 CFR 50.75(h)(1)(iv) also restrict the use of DTF disbursements (other than for ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund) to decommissioning expenses until final radiological decommissioning is completed. Therefore, an exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) is needed to allow CEG to use funds from the TMI–1 DTF for site restoration activities at TMI–1.

The requirements of 10 CFR 50.75(h)(1)(iv) further provide that, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund, no disbursement may be made from the DTF without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(1)(iv) is also needed to allow CEG to use funds from the TMI–1 DTF for site restoration activities at TMI–1 without prior NRC notification.

The licensee has concluded that 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would prohibit use of DTFs for activities related to site restoration prior to completion of radiological decommissioning. The licensee anticipates maintaining TMI–1 in SAFSTOR for an extended period prior to completion of radiological decommissioning. This will allow radioactive decay to occur, thereby reducing the quantity of contamination and radioactivity that must be disposed of during the decontamination and dismantlement process as well as reducing the associated occupational exposure. Exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) are requested to allow the licensee to withdraw and use funds from the DTF for site restoration activities. The exemptions would cover all site restoration activities at TMI–1.

III. Discussion

A. The Exemption is Authorized by Law

The requested exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would allow CEG to use a portion of the funds from the TMI–1 DTF for site restoration activities at TMI–1 without prior notice to the NRC in the same manner that withdrawals are made under 10 CFR 50.82(a)(8) for decommissioning activities. As previously stated, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined that granting CEG's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents no Undue Risk to Public Health and Safety

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) is to provide reasonable assurance that adequate funds will be available for the radiological decommissioning of power reactors. Based on schedules, costs, and funding contained in the PSDAR, DCE, SFMP, and exemption request, and the NRC staff's independent review of this information, use of a portion of the TMI–1 DTF for site restoration activities at TMI–1 will not adversely impact the licensee's ability to complete radiological decommissioning within 60 years and terminate the TMI–1 license.

Furthermore, an exemption from 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the TMI–1 DTF for site restoration activities at TMI–1 without prior written notification to the NRC will not affect the sufficiency of funds in the DTF to accomplish radiological decommissioning because such withdrawals remain constrained by the provisions of 10 CFR 50.82(a)(8)(i)(B)–(C) and are reviewable under the annual reporting requirements of 10 CFR 50.82(a)(8)(v)–(vii).

There are no new accident precursors created by using the TMI–1 DTF in the proposed manner. Thus, the probability of postulated accidents is not increased. Also, the consequences of postulated accidents are not increased. No changes are being made in the types or amounts of effluents that may be released offsite. There is no significant increase in occupational or public radiation exposure. The requested exemption would not diminish the effectiveness of other regulations that ensure the available funding for decommissioning, including 10 CFR 50.82(a)(6), which prohibits licensees from performing any decommissioning activities that could foreclose unrestricted release of the site, result in significant environmental impacts not previously reviewed, or result in there no longer being reasonable assurance that adequate funds will be available for decommissioning. Therefore, the requested exemption will not present an undue risk to the public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption would allow the licensee to use funds from the TMI–1 DTF for site restoration activities at TMI–1. This change to enable the use of a portion of the funds from the DTF for site restoration activities has no relation to security issues. Therefore, the common defense and security is not impacted by the requested exemption.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the regulation.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), which restrict withdrawals from DTFs to expenses for radiological decommissioning activities, is to provide reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors and license termination. Strict application of these requirements would prohibit the withdrawal of funds from the TMI–1 DTF for activities other than radiological decommissioning activities at TMI–1, such as for site restoration activities, until final radiological decommissioning at TMI–1 has been completed.

However, the NRC staff's review of the exemption request, including consideration of the information in the PSDAR, DCE, SFMP, and the annual DTF certification reports and the staff's independent analysis, found that reasonable assurance exists that adequate funds will be available in the TMI–1 DTF to complete decommissioning and terminate the TMI–1 license, with excess funding

available to pay for site restoration activities within the scope of the exemption request.

The staff's cash-flow analysis projects that the TMI–1 DTF will contain approximately $253.7 million at the end of license termination activities in 2081 (using a 2 percent real rate of return as allowed by 10 CFR 50.75(e)(1)(ii)), considering its use for payment of spent fuel management throughout the 60-year decommissioning period (as approved by a previous exemption) and its use for the site restoration activities within the scope of the current exemption request. This analysis aligns with the cash-flow analysis provided by the licensee in its exemption request.

As presented in Table 2 of the exemption request, the beginning DTF balance was the December 31, 2020, DTF value ($742,497k) less the 2020 site radiological decommissioning costs ($14,663k) and the 2018, 2019, and 2020 spent fuel management costs ($54,673k) that were not yet reimbursed as of December 31, 2020. The staff's cash-flow analysis estimates that the licensee projected costs for radiological decommissioning to be approximately $977.5 million, costs for spent fuel management to be approximately $160.1 million, and cost for site restoration activities to be approximately $92.8 million, all in 2020 dollars. This amounts to total estimated costs of approximately $1.23 billion for radiological decommissioning, spent fuel management, and site restoration activities with license termination occurring in 2081. In its analysis, the NRC staff assumed a 2 percent annual real rate of return on the DTF balance, less annual costs, resulting in a positive DTF balance of approximately $253.7 million at the time of license termination.

Therefore, the NRC staff finds that the licensee has provided reasonable assurance that adequate funds will be available for the radiological decommissioning of TMI–1, even with the disbursement of funds from the DTF for spent fuel management (previously approved) and site restoration activities (currently requested). Accordingly, the NRC staff concludes that application of the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), that funds from the DTF only be used for radiological decommissioning activities and not for site restoration activities, is not necessary to achieve the underlying purpose of the rule. Thus, special circumstances are present supporting approval of the exemption request.

In its submittal, the licensee also requested exemption from the requirement of 10 CFR 50.75(h)(1)(iv) concerning prior written notification to the NRC of withdrawals from DTFs for activities other than radiological decommissioning. The underlying purpose of notifying the NRC prior to such withdrawals of funds from DTFs is to provide an opportunity for NRC intervention, when deemed necessary, if the withdrawals are for expenses other than those authorized by 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8) that could result in there being insufficient funds in the DTFs to accomplish radiological decommissioning.

By granting the exemption to 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8)(i)(A), the NRC staff considers that withdrawals consistent with the licensee's exemption request are authorized. As stated previously, the NRC staff determined that there are sufficient funds in the TMI–1 DTF to complete radiological decommissioning activities, as well as to conduct spent fuel management (previously approved) and site restoration activities (currently requested), consistent with the TMI–1 PSDAR, DCE, SFMP and May 20, 2021, exemption request. Pursuant to the requirements in 10 CFR 50.82(a)(8)(v) and (vii), licensees are required to monitor and annually report to the NRC the status of the DTF and the licensee's funding for spent fuel management. These reports provide the NRC staff with awareness of, and the ability to take action on, any actual or potential funding deficiencies. Additionally, 10 CFR 50.82(a)(8)(vi) requires that the annual financial assurance status report must include additional financial assurance to cover the estimated cost of completion if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2-percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning. The requested exemption would not allow the withdrawal of funds from the DTF for any other purpose that is not currently authorized in the regulations without prior notification to the NRC. Therefore, the granting of the exemption to 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the TMI–1 DTF to cover authorized expenses for site restoration activities at TMI–1 without prior written notification to the NRC will still meet the underlying purpose of the regulation.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii), are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated. The licensee states that the DTF contains funds in excess of the estimated costs of radiological decommissioning and that these excess funds are needed for site restoration activities. Preventing access to those excess funds in DTFs because site restoration activities are not associated with radiological decommissioning would create an unnecessary financial burden without any corresponding safety benefit. The adequacy of the TMI–1 DTF to cover the cost of activities associated with site restoration activities, in addition to radiological decommissioning and spent fuel management (pursuant to a previously approved exemption), is supported by the NRC staff's review as described herein and reflected in Attachment 1 of the exemption request. If the licensee cannot use the TMI–1 DTF for site restoration activities, it would need to obtain additional funding that would not be recoverable from the DTF, or it would have to modify its decommissioning approach and methods. The NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) were adopted.

The underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would be achieved by allowing the licensee to use a portion of the TMI–1 DTF for site restoration activities at TMI–1 without prior NRC notification, and compliance with the regulations would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted. Thus, the special circumstances in 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemptions.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of the exemptions will not have a significant effect on the quality of the human environment (see Environmental Assessment and Finding of No Significant Impact published in the **Federal Register** on June 6, 2022 (87 FR 34311)).

IV. Conclusions

In consideration of the above, the NRC staff finds that reasonable assurance exists that adequate funds will be available in the TMI–1 DTF to complete radiological decommissioning of the site and to terminate the TMI–1 license, with excess funding available to pay for spent fuel management (previously approved) and site restoration activities within the scope of the exemption request. There is no decrease in safety associated with the DTF being used to fund activities associated with site restoration.

Accordingly, the Commission has determined that, pursuant to 10 CFR 10 CFR 50.12(a), the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants CEG the exemptions from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow CEG to use of a portion of the funds from the TMI–1 DTF for site restoration activities, without prior NRC notification.

The exemptions are effective upon issuance.

V. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document	ADAMS accession No.
Three Mile Island Nuclear Station, Unit 1, Request for Exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), dated 3/20/2021	ML21140A311
Notification of Completion of License Transfer and Request to Continue Processing Pending NRC Actions Previously Requested by Exelon Generation Company, LLC, dated 2/1/2022	ML22032A333
Three Mile Island, Unit 1, Certification of Permanent Cessation of Power Operations, dated 6/20/2017	ML17171A151
Certification of Permanent Removal of Fuel from the Reactor Vessel for Three Mile Island Nuclear Station, Unit 1, dated 9/26/2019	ML19269E480
Three Mile Island Nuclear Station, Unit 1—Post-Shutdown Decommissioning Activities Report, dated 4/5/2019	ML19095A041
Site-Specific Decommissioning Cost Estimate for Three Mile Island Nuclear Station, Unit 1, dated 4/5/2019	ML19095A010
Three Mile Island, Unit 1, Submittal of Spent Fuel Management Plan, dated 4/5/2019	ML19095A009
Three Mile Island Nuclear Station, Unit 1—Exemptions from the Requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) (EPID L–2019–LLE–0009), dated 10/16/2019	ML19259A175
Site-Specific Decommissioning Cost Estimate for Three Mile Island Nuclear Station, Unit 1, dated 4/5/2019	ML19095A010
Dresden Nuclear Power Station, Unit 1; Peach Bottom Atomic Power Station, Unit 1; and Three Mile Island Nuclear Station, Unit 1—Report on Status of Decommissioning Funding for Shutdown Reactors, dated 3/23/22	ML22082A227
Exelon Generation Co, LLC—Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations, dated 2/24/2021	ML21055A776

Dated: June 9, 2022.

For the Nuclear Regulatory Commission.

Ashley B. Roberts,

Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–12863 Filed 6–14–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 15, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 7, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 744 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–64, CP2022–70.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2022–12913 Filed 6–14–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 15, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 8, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 745 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–65, CP2022–71.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2022–12912 Filed 6–14–22; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95018; File No. SR–FINRA–2021–024]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Amend FINRA Rule 2231 (Customer Account Statements), as Modified by Amendment No. 1

Correction

In notice document 2022–12169, appearing on pages 34728–34736, in the issue of Tuesday, June 7, 2022, make the following correction:

On page 34728, in the first column, in the standard document heading, the

Agency document identification number that reads ''[Release No. 34–95018; File No. SR–FINRA–2021–02]'' is corrected to read ''[Release No. 34–95018; File No. SR–FINRA–2021–024]''.

[FR Doc. C1–2022–12169 Filed 6–14–22; 8:45 am]

BILLING CODE 0099–10–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95078; File No. SR–NSCC–2022–006]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

June 10, 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 26, 2022, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Clearing Agency Stress Testing Framework (Market Risk) (''ST Framework'') and the Clearing Agency Liquidity Risk Management Framework (''LRM Framework,'' and, together with the ST Framework, the ''Frameworks'') of NSCC and its affiliates, The Depository Trust Company (''DTC'') and Fixed Income Clearing Corporation (''FICC,'' and together with NSCC and DTC, the ''Clearing Agencies''), as described below.

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the stress scenarios used for liquidity risk management, such that all such stress scenarios are described as either regulatory or informational scenarios.

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for the Government Securities Division of FICC (''GSD'') to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and the Mortgage-Backed Securities Division of FICC (''MBSD''); (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Clearing Agencies adopted the ST Framework to set forth the manner in which they identify, measure, monitor, and manage their respective credit exposures to participants and those arising from their respective payment, clearing, and settlement processes by, for example, maintaining sufficient prefunded financial resources to cover its credit exposures to each participant fully with a high degree of confidence and testing the sufficiency of those prefunded financial resources through stress testing.[3] In this way, the ST Framework describes the stress testing activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(4).[4]

The Clearing Agencies adopted the LRM Framework to set forth the manner in which they measure, monitor and manage the liquidity risks that arise in or are borne by each of the Clearing Agencies by, for example, (1) maintaining sufficient liquid resources to effect same-day settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the Clearing Agency in extreme but plausible market conditions, and (2) determining the amount and regularly testing the sufficiency of qualifying liquid resources by conducting stress testing of those resources.[5] In this way, the LRM Framework describes the liquidity risk management activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(7).[6]

The Clearing Agencies currently utilize vendor-supplied data in various aspects of the stress testing program for DTC, NSCC and MBSD. In 2020, in connection with enhancing stress testing for MBSD to utilize vendor-supplied data, FICC adopted changes to the MBSD Clearing Rules to describe the key components of the stress testing program.[7] These disclosures are redundant of the descriptions of stress testing in the ST Framework and create a potential risk of having inconsistent statements regarding the Clearing Agencies' stress testing program.

The Clearing Agencies are proposing changes to the Frameworks, described below, that would (1) enhance GSD stress testing, (2) reorganize, update and clarify the statements and descriptions already set forth in the Frameworks and (3) move all descriptions of stress testing to the ST Framework. While the proposal would include certain enhancements to the GSD stress testing, the Clearing Agencies are not proposing any material changes to how they conduct stress testing, manage credit exposures and liquidity risks, or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 82368 (December 19, 2017), 82 FR 61082 (December 26, 2017) (SR–DTC–2017–005; SR–FICC–2017–009; SR–NSCC–2017–006) (''Initial ST Framework Filing'').

[4] 17 CFR 240.17Ad–22(e)(4).

[5] Securities Exchange Act Release Nos. 82377 (December 21, 2017), 82 FR 61617 (December 28, 2017) (File Nos. SR–DTC–2017–004; SR–FICC–2017–008; SR–NSCC–2017–005) (''Initial LRM Framework Filing'').

[6] 17 CFR 240.17Ad–22(e)(7).

[7] *See* Securities Exchange Act Release No. 88382 (March 13, 2020), 85 FR 15830 (March 19, 2020) (SR–FICC–2020–801) (''MBSD Stress Testing Filing'').

otherwise comply with the requirements of Rules 17Ad–22(e)(4) and (7).[8]

First, the proposed rule change would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[9] from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the liquidity stress scenarios by removing the Level 1, Level 2 and Level 3 labels and instead categorizing all stress scenarios as either regulatory or informational. As described in greater detail below, this proposed change is a change only to the categorization of these stress scenarios and is not a change to how the Clearing Agencies conduct liquidity stress testing or otherwise meet the requirements of Rule 17Ad–22(e)(7)(vi)(A).[10]

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

i. Proposed Amendments To Move Activities Related to Stress Testing Qualifying Liquid Resources From the LRM Framework to the ST Framework

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[11] from the LRM Framework to the ST Framework. These activities are primarily performed by the Stress Testing Team within the Group Chief Risk Office of DTCC (''GCRO''), which includes members of the Market Risk Management and the Liquidity Risk Management groups within the GCRO.[12] The Stress Testing Team, which was previously responsible for stress testing the Clearing Agencies' prefunded financial resources, as part of the market risk management function, took over stress testing of the Clearing Agencies liquidity resources related to liquidity risk management in order to centralize stress testing activities and related responsibilities under one team. By moving the description of the Clearing Agencies' liquidity stress testing activities into the ST Framework, the proposed change would create a clearer, simpler description of the Clearing Agencies' collective stress testing activities in one document and would reflect the consolidation of these activities under the Stress Testing Team.

In order to implement this proposed change, a number of drafting changes are being proposed to both the ST Framework and the LRM Framework. First, Section 1 (Executive Summary) and Section 4 (Liquidity Risk Management Regulatory Requirements) of the LRM Framework would be amended to make clear that compliance with the requirements of Rule 17Ad–22(e)(7)(vi) are not addressed in that document, and are addressed in the ST Framework. Section 2 (Glossary of Key Terms) of the LRM Framework would also be amended to include definitions of ''Clearing Agency Stress Testing Framework'' and the ''Stress Testing Team,'' and to remove the definition of the Enterprise Stress Testing Council, which is an internal forum that addresses stress testing matters. Finally, Section 6 (Liquidity Risk Management) of the LRM Framework would be amended to describe at a high-level the activities related to stress testing of the Clearing Agencies' qualifying liquid resources and to state that these activities are described in greater detail in the ST Framework.

The proposed change would also require revisions throughout the ST Framework to include descriptions of liquidity stress testing activities that support the Clearing Agencies' compliance with the requirements of Rule 17Ad–22(e)(7)(vi) within the existing sections of the ST Framework. These proposed changes would include revisions to Section 1 (Executive Summary) of the ST Framework to clarify that stress testing related to liquidity risk management is described in this document, and revisions to Section 2 (Glossary of Key Terms) to include definitions related to these activities. These definitions would include the Liquidity Risk Management group within GCRO and a Clearing Agency Liquidity Risk Management Framework. Section 4 of the ST Framework would be renamed ''Stress Testing Requirements'' and would be amended to make clearer which requirements in Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, and to identify the documents where the requirements not addressed in the ST Framework are addressed.

The proposed changes to the ST Framework would create a new Section 6, which would be named ''Qualifying Liquid Resources—Liquidity Risk Management,'' to describe at a high-level how each of the Clearing Agencies determine the amount and regularly test the sufficiency of their respective qualifying liquid resources. This new section would include language that is substantially identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework.

The new Section 7 (Stress Testing Methodologies) (previously numbered Section 6) of the ST Framework would be updated to include descriptions of the methodologies used in liquidity stress testing. Such methodologies would not change substantively, and the language used in the revisions to this section would be substantively identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework. As described in greater detail below, the Clearing Agencies are proposing to revise the categorization of the liquidity stress scenarios, and those revisions would be reflected in this Section 7 of the ST Framework.

Finally, the new Section 8 of the ST Framework (previously numbered Section 7), which would be renamed ''Stress Testing Governance and Escalation Procedures,'' would be amended to include matters related to liquidity stress testing. More specifically, the new Section 8.1 would address governance and oversight of stress testing, which is set forth in a number of internal documents, and overseen by a stress testing committee, the Management Risk Committee and the Risk Committee of the Board of Directors of the Clearing Agencies. The new Section 8.2 would describe the daily monitoring for threshold breaches and liquidity shortfalls, and the escalations and actions that would

[8] 17 CFR 240.17Ad–22(e)(4) and (7).

[9] 17 CFR 240.17Ad–22(e)(7)(vi).

[10] 17 CFR 240.17Ad–22(e)(7)(vi)(A).

[11] 17 CFR 240.17Ad–22(e)(7)(vi).

[12] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies and its other subsidiaries. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a subsidiary, including the Clearing Agencies.

follow those breaches. More specifically, the Clearing Agencies monitor for breaches of a ''Cover One Ratio,'' which is defined as the ratio of a family of affiliated Members' deficiency over the total value of the applicable Clearing Agencies' Clearing Fund or Participants Fund, excluding the sum value of the applicable family's required deposit to the Clearing Fund or Participants Fund, as applicable. With respect to liquidity stress testing, the Clearing Agencies monitor daily for liquidity shortfalls, which trigger a series of escalations and remediation actions, which would be identified in this new Section 8.2.

The new Section 8.3 would address comprehensive analyses of stress scenarios, which occur on at least a monthly basis and are designed to comply with the requirements of Rules 17Ad–22(e)(4)(vi)(B) and (C), and (7)(vi)(B) and (C). These analyses include (1) daily stress testing results, model parameters, model assumptions, and model performance, and (2) each stress scenario set for its comprehensiveness and relevance, including any changes or updates to such scenarios for the period. The new Section 8.4 would address the escalations and reporting of the monthly analyses of stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D). Finally, the new Section 8.5 would address the regular escalation of the results of stress testing, including any concerns related to those results, which are also designed to comply with Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D).

Each of these subsections would address stress testing related to market risk, using language that is currently in the ST Framework, and would include language to address liquidity stress testing that would be substantially similar to the language removed from the LRM Framework. Revisions to the language removed from the LRM Framework would be primarily drafting revisions, as the Clearing Agencies are not proposing changes to how they conduct liquidity stress testing.

ii. Proposed Amendments To Re-Categorize the Stress Scenarios Used for Liquidity Stress Testing

In connection with the changes described above, the proposed amendments would also reflect the recategorization of liquidity stress scenarios. Previously, liquidity stress scenarios were categorized as Level 1, 2 and 3 scenarios. Level 1 scenarios described qualifying liquid resources under normal market conditions and were considered ''baseline'' scenarios. Level 2 scenarios assumed a wide range of foreseeable stress scenarios that included, but were not limited to, the default of the family of affiliated Members that would generate the largest aggregate payment obligation for each Clearing Agency in extreme but plausible market conditions. These scenarios were designed to identify the qualifying liquid resources each Clearing Agency should maintain to meet compliance with Rule 17Ad–22(e)(7)(i). Finally, the Level 3 scenarios were divided into either (1) regulatory scenarios, which were designed to meet the requirements of Rule 17Ad–22(e)(7)(vi)(A), and (2) informational scenarios, which were designed to be performed for informational and monitoring purposes using stress scenarios that exceed the requirements of Rule 17Ad–22(e)(7)(vi)(A).

While the Clearing Agencies continue to maintain a wide range of stress scenarios that are designed to comply with the requirements of Rule 17Ad–22(e)(7), in order to simplify the descriptions of its liquidity stress scenarios and align them with the categorization of market risk stress scenarios, the Clearing Agencies have re-categorized the liquidity stress scenarios and eliminated the Level 1, Level 2 and Level 3 categories. Instead, all stress scenarios would be described in Section 6 of the ST Framework as being either (1) regulatory stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(i) and (vi)(A), and Rules 17Ad–22(e)(7)(i) and (vi)(A); or (2) informational stress scenarios, which may utilize parameters and assumptions that exceed the requirements of Rules 17Ad–22(e)(4)(vi)(A) and (7)(vi)(A) and are utilized for informational, analytical and/or monitoring purposes only.

iii. Proposed Amendments to the ST Framework

The proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

1. Enhance GSD Stress Testing To Use Vendor-Sourced Data

First, the proposed changes would enhance GSD stress testing to utilize vendor-supplied historical risk factor time series data (''Historical Data'') and vendor-supplied security-level risk sensitivity data (''Security-Level Data'') in the stress testing program. This proposed enhancement would be similar to the approach utilized in MBSD stress testing.[13]

The vendor-sourced Historical Data would include data regarding (1) interest rate, (2) implied inflation rate, (3) agency spread, (4) mortgage option adjusted spread, (5) interest rate volatility, and (6) mortgage basis. The vendor-sourced Security-Level Data would include data regarding (1) sensitivity to interest rates, (2) implied inflation rate, (3) agency spread, (4) convexity, (5) sensitivity to mortgage option adjusted spread, (6) sensitivity to interest rate volatility, and (7) sensitivity to mortgage basis. FICC currently utilizes the Historical Data and Security-Level Data in GSD's value-at-risk (''VaR'') model, which calculates the VaR Charge component of GSD's Clearing Fund (referred to in the GSD Rulebook as Required Fund Deposit).[14] FICC would use this same data set in GSD's stress testing program.

As described in greater detail in the ST Framework,[15] stress testing involves three key components: (1) risk identification, (2) scenario development, which involves the construction of comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios; and (3) risk measurement and aggregation, in which risk metrics are calculated to estimate the profits and losses in connection with the hypothetical close out of a participant's portfolio in certain stress scenarios.

FICC would utilize the vendor-sourced data in the development of historical stress scenarios and in the risk measurement and aggregation process of the GSD stress testing program. More specifically, the Historical Data would be used to identify the largest historical changes of risk factors that influence the pricing of product cleared by GSD, in connection with the development of stress scenarios. The vendor-sourced Historical Data would identify stress risk exposures under broader and more

[13] *See supra* note 7.

[14] GSD Rulebook, *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf.*

[15] These key components of stress testing are also described in the Initial ST Framework Filing. *See supra* note 3.

varied market conditions than the data currently available to FICC.

FICC would utilize both the Historical Data and the Security-Level Data in the risk measurement and aggregation process of stress testing. FICC believes that the vendor-sourced Security-Level Data is more stable and robust than the data currently utilized by FICC for GSD stress testing. Because the stress profits and losses calculation that occur in connection with the risk measurement and aggregation process in stress testing would include Security-Level Data, FICC believes that the calculated results would be improved and would reflect results that are closer to actual price changes for government securities during larger market moves which are typical of stress testing scenarios.

Finally, the proposed changes to enhance GSD stress testing would also implement a back-up calculation that GSD would utilize in the event that the vendor fails to provide such data to GSD. Specifically, if the vendor fails to provide any data or a significant portion of data in accordance with the timeframes agreed to by FICC and the vendor, FICC would use the most recently available data on the first day that such disruption occurs in its stress testing calculations. Subject to discussions with the vendor, if FICC determines that the vendor would resume providing data within five (5) Business Days, FICC would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the back-up calculation (as described below) should be invoked. Subject to discussions with the vendor, if FICC determines that the data disruption would extend beyond five (5) Business Days, the back-up calculation would be employed for daily stress testing, subject to appropriate internal governance.

The proposed back-up calculation would include the following calculations: (1) calculate each Netting Member's portfolio net exposures, (2) calculate the historical stress return, and (3) calculate each Netting Member's stress profits and losses. FICC would use publicly available indices as the data source for the stress return calculations. This calculation would be referred to as the Back-up Stress Testing Calculation in the ST Framework.

The Clearing Agencies would describe the use of vendor-sourced data in stress testing for GSD and MBSD and the Back-up Stress Testing Calculation, as described above, in a new Section 7.1 of the ST Framework.

2. Identify the Stress Testing Team as Responsible for Stress Testing

As described above, stress testing for the Clearing Agencies is primarily performed by the Stress Testing Team, which includes members of both Market Risk Management and Liquidity Risk Management of DTCC within GCRO. The Stress Testing Team took over stress testing responsibilities related to liquidity risk management in late 2019 to centralize stress testing and related responsibilities under one team.

Therefore, the Clearing Agencies are proposing to include a general statement in Section 1 (Executive Summary) of the ST Framework that, unless otherwise specified, actions in the ST Framework related to stress testing are performed by the Stress Testing Team. The proposed changes would also amend Section 3 (Framework Ownership and Change Management) of the ST Framework to make it clear that the Stress Testing Team owns and manages the ST Framework and is responsible for reviewing the ST Framework no less frequently than annually.

In connection with this proposed change, the ST Framework would also be updated to describe actions related to stress testing without specifically identifying the group responsible for those actions. These proposed changes would simplify the descriptions in the ST Framework, while clarifying the team responsible for conducting these actions in a general statement in the ST Framework.

3. Update and Clarify the ST Framework

Finally, the proposed changes would also make immaterial revisions to update and clarify the ST Framework. For example, the proposed changes would update the names of certain documents that support the ST Framework to refer to the Clearing Agencies, rather than DTCC, in the document titles. These documents were renamed to conform to internal document naming conventions. The proposed changes would also amend Section 2 (Glossary of Key Terms) of the ST Framework to clarify and simplify the use of certain key terms. For example, the proposed changes would move the definitions of ''Members'' and ''Participants'' from a footnote in Section 4 to this Section 2, and would update the definition of ''BRC,'' which refers to the Risk Committee of the Boards of Directors of the Clearing Agency, to be more descriptive.

The proposed amendments would update Section 4 (Stress Testing Requirements) of the ST Framework to (1) more clearly state which requirements under Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, (2) identify the separate documents that describe the requirements that are not addressed in the ST Framework, and (3) identify the requirements that are not applicable to the Clearing Agencies and, therefore, not described in any document.

Finally, the proposed change would also revise the description of reverse stress testing to more clearly describe the goal and purpose of this testing.[16] Specifically, reverse stress testing is used to identify tail risks by using extreme stress scenarios. In this way, reverse stress testing, which is conducting semi-annually, can be used to inform regular stress testing activities. The proposed changes would provide more transparency into the purpose of reverse stress testing conducted by the Clearing Agencies.

None of these proposed changes would make substantive revisions to the ST Framework or reflect material changes to how the Clearing Agencies conduct the activities described in the ST Framework but would update and clarify those descriptions.

iv. Proposed Amendments To Update and Clarify the LRM Framework

In addition to removing descriptions of stress testing activities from the LRM Framework, the proposed changes would also make immaterial revisions to update and clarify the LRM Framework. For example, the proposed changes would update the name of the team within the GCRO that is responsible for liquidity risk management from the Liquidity Product Risk Unit, or LPRU, to Liquidity Risk Management. This proposed change would reflect a recent organizational change to the name of this group.

Additionally, the proposed changes would update Section 10 (Liquidity Risk Tolerances) of the LRM Framework to state that an officer in Liquidity Risk Management is responsible for reviewing the Liquidity Risk Tolerance Statement.[17] The LRM Framework currently identifies the specific title of the individual who is responsible for reviewing the Liquidity Risk Tolerance Statement on at least an annual basis. The proposed change would provide the Clearing Agencies with flexibility to

[16] Tail risk generally refers to risks of outcomes that are caused by extreme or rare events.

[17] The Liquidity Risk Tolerance Statement is liquidity risk management control that, among other things, (1) defines liquidity risk and describes how liquidity risk would materialize for each Clearing Agency specifically, (2) sets forth how liquidity risk is monitored by the Clearing Agencies, and (3) describes the various risk tolerance levels and thresholds for each the Clearing Agency.

change the title of the person responsible for this review.

v. Implementation Timeframe

Subject to approval by the Commission, the proposal to enhance GSD stress testing to use vendor-sourced data would be implemented no later than November 30, 2022. The remaining proposals would be implemented upon approval by the Commission.

2. Statutory Basis

The Clearing Agencies believe that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the proposed changes are consistent with Section 17A(b)(3)(F) of the Act,[18] and Rule 17Ad–22(e)(4) under the Act,[19] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency 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, for the reasons described below.[20] As described above, the proposed changes would (1) amend both the ST Framework and the LRM Framework to move the descriptions of liquidity stress testing from the LRM Framework to the ST Framework; (2) simplify the categorization of the liquidity stress scenarios; (3) amend the ST Framework to reflect that the Stress Testing Team is primarily responsible for stress testing activities; (4) update and clarify descriptions within the ST Framework; and (5) update and clarify descriptions within the LRM Framework, as described above.

The ST Framework currently describes how each of the Clearing Agencies carry out a market risk management strategy to maintain sufficient prefunded financial resources to cover fully its exposures to each participant fully with a high degree of confidence. As such, the market risk management strategy of the Clearing Agencies addresses their respective market risk exposures and allows them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding those risks.

The LRM Framework describes how each of the Clearing Agencies carry out its liquidity risk management strategy such that, with respect to FICC and NSCC, they maintain liquid resources sufficient to meet the potential amount of funding required to settle outstanding transactions of a defaulting participant or family of affiliated participants in a timely manner, and with respect to DTC, it maintains sufficient available liquid resources to complete system-wide settlement on each business day, with a high degree of confidence and notwithstanding the failure to settle of the participant or affiliated family of participants with the largest settlement obligation. As such, the Clearing Agencies' liquidity risk management strategies address the Clearing Agencies' maintenance of sufficient liquid resources, which allow them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the default of a participant or family of affiliated participants.

The proposed changes to reorganize the Frameworks, simplify the categorization of stress scenarios, and make other updates to improve the clarity and accuracy of the descriptions within the Frameworks, as described in this filing, would assist the Clearing Agencies in carrying out their stress testing and liquidity risk management functions. Therefore, the Clearing Agencies believe the proposed changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[21]

The proposal to enhance the GSD stress testing to utilize vendor-sourced data and implement a back-up stress testing calculation is designed to be consistent with Rule 17Ad–22(e)(4) under the Act, which requires, in part, that a covered clearing agency 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 arising from its payment, clearing, and settlement processes.[22] Rule 17Ad–22(e)(4)(i) under the Act requires that a covered clearing agency maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[23]

FICC believes that the proposal to utilize Historical Data in the development of historical stress scenarios would incorporate a broad range of risk factors that enables GSD's model to better understand a Member's exposure to these risk factors. FICC also believes that the proposal to utilize Historical Data and Security-Level Data in the calculation of stress profits and losses for Members' portfolios would provide for calculated amounts that are closer to actual price changes for securities cleared at GSD during larger market moves in an effort to test the adequacy of GSD's prefunded resources. Lastly, FICC believes that the proposal to use a back-up calculation would help to ensure that FICC has a methodology in place that allows it to continue to measure the adequacy of GSD's prefunded financial resources in the event that the vendor fails to provide data. For these reasons, FICC believes that the proposed changes to utilize the vendor-sourced Historical Data and Security-Level Data in GSD stress testing would improve GSD's stress testing program, which is used to test the sufficiency of GSD's prefunded resources daily to support compliance with Rule 17Ad–22(e)(4)(i).

Furthermore, the proposal to adopt a back-up stress testing calculation in circumstances when the vendor-sourced data is unavailable would support GSD's stress testing program by ensuring that the program utilizes a predetermined calculation in the event of a disruption to its data source.

As such, FICC believes that these proposed changes are designed to be consistent with the requirements of Rule 17Ad–22(e)(4)(i) under the Act.[24]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed changes to the Frameworks described above would have any impact, or impose any burden, on competition. As described above, the proposed changes would reorganize the Frameworks to improve the clarity regarding the Clearing Agencies' stress testing activities and would make other updates and enhancements that would improve the clarity and accuracy of the descriptions of the Clearing Agencies' stress testing and liquidity risk management functions. Therefore, the proposed changes are technical and non-material in nature, relating mostly to the operation of the Frameworks rather than the risk management functions described therein.

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17Ad–22(e)(4).

[20] *Id.*

[21] *Id.*

[22] 17 CFR 240.17Ad–22(e)(4).

[23] 17 CFR 240.17Ad–22(e)(4)(i).

[24] *Id.*

Further, the proposed changes to enhance GSD stress testing to utilize vendor-sourced data and establish a back-up stress testing calculation would not have any impact, or impose any burden, on competition because this proposal does not affect the respective rights or obligations of Members that utilize GSD's services.

As such, the Clearing Agencies do not believe that the proposed rule changes would have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the SEC's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2022–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2022–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–2022–006 and should be submitted on or before July 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12911 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–339, OMB Control No. 3235–0382]

Proposed Collection; Comment Request: Extension; Schedule 14D–9F

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Schedule 14D–9F (17 CFR 240.14d–103) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) is used by any foreign private issuer incorporated or organized under the laws of Canada or by any director or officer of such issuer, where the issuer is the subject of a cash tender or exchange offer for a class of securities filed on Schedule 14D–1F. The information required to be filed with the Commission is intended to permit verification of compliance with the securities law requirements and assures the public availability of such information. We estimate that Schedule 14D–9F takes approximately 2 hours per response to prepare and is filed by approximately 2 respondents annually for a total reporting burden of 4 hours (2 hours per response × 2 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including

through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by August 15, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 9, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12848 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–332, OMB Control No. 3235–0378]

Proposed Collection; Comment Request: Extension; Form F–8

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form F–8 (17 CFR 239.38) may be used to register securities of certain Canadian issuers under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) that will be used in an exchange offer or business combination. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. We estimate that Form F–8 takes approximately one hour per response to prepare and is filed by approximately 5 respondents. We estimate that 25% of one hour per response (15 minutes) is prepared by the company for a total annual reporting burden of one hour (15 minutes/60 minutes per response × 5 responses = 1.25 hours rounded to the nearest whole number one hour).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by August 15, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 9, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95075; File No. SR–MSRB–2022–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change To Amend Certain Rates of Assessment for Rate Card Fees Under MSRB Rules A–11 and A–13, Institute an Annual Rate Card Process for Future Rate Amendments, and Provide for Certain Technical Amendments to MSRB Rules A–11, A–12, and A–13

June 9, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 2, 2022 the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB filed with the Commission a proposed rule change to amend:

(i) Rule A–11, on assessments for municipal advisor professionals, to modify the rate of assessment for the annual professional fee for each person associated with a municipal advisory firm who is qualified as a municipal advisor representative in accordance with Rule G–3, on professional qualification requirements, and for whom the municipal advisory firm has an active Form MA–I on file with the Commission as of January 31st of each year (each individual being a ''covered professional'' and such fee amount on each covered professional the ''Municipal Advisor Professional Fee'');[3]

(ii) Rule A–13, on underwriting and transaction assessments for brokers, dealers, and municipal securities dealers (collectively, ''dealers''), to modify the rate of assessments on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Form MA–I: Information Regarding Natural Persons Who Engage in Municipal Advisory Activities,'' is an SEC form that must be completed and filed by a municipal advisory firm with respect to each natural person associated with the firm and engaged in municipal advisory activities on the firm's behalf, including employees of the firm. Independent contractors are included in the definition of ''employee'' for these purposes. A natural person doing business as a sole proprietor must complete and file Form MA–I in addition to Form MA. Form MA–I is also used to amend a previously submitted form, including in such cases where an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on the firm's behalf. *See* ''Instructions for the Form MA Series,'' available at *https://www.sec.gov/about/forms/formmadata.pdf.* For purposes of Rule A–11 and the calculation of the Municipal Advisor Professional Fee, if a firm has filed an amendment to indicate that an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on its behalf, then that individual's Form MA–I would not be deemed as active for purposes of the Municipal Advisor Professional Fee and would not be counted in the January 31st calculation regarding the assessment of the Municipal Advisor Professional Fee.

dealers for certain underwriting, transaction, and trade count fees [4] (collectively, the ''Market Activity Fees'' and, such Market Activity Fees together with the Municipal Advisor Professional Fee, the ''Rate Card Fees''); [5] and

(iii) Rule A–11, Rule A–12, on registration, and Rule A–13 to provide greater regulatory clarity for the assessment of fees on municipal securities brokers, municipal securities dealers, and municipal advisors (collectively, ''MSRB regulated entities'') under these rules.

The proposed amendments to the rates of assessment of the Rate Card Fees are referred to as the ''Rate Card Amendments.'' The Rate Card Amendments would effectuate the Rate Card Fees in accordance with the following table.

	Basis	Proposed rate
Underwriting Fee	Per $1,000 Par Underwritten	$0.0297
Transaction Fee	Per $1,000 Par Transacted	0.0107
Trade Count Fee	Per Trade	1.10
Municipal Advisor Professional Fee	Per Covered Professional	1,060

The proposed technical amendments to Rule A–11, Rule A–12, and Rule A–13 are referred to as the ''Technical Amendments.'' The Rate Card Amendments and the Technical Amendments together are referred to as the ''proposed rule change.''

The MSRB has designated the proposed rule change for immediate effectiveness.[6] The Rate Card Amendments and the Technical Amendments are designated to have an operative date of October 1, 2022. The Board currently anticipates the amended Rate Card Fees proposed by the Rate Card Amendments to be operative for a period of fifteen months from October 1, 2022 to December 31, 2023 and an amended set of Rate Card Fees to become operative on January 1, 2024 in accordance with a subsequent proposed rule change and the internal rate setting process described herein.[7]

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2022-Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the Rate Card Amendments is to amend the rate of assessment for the Board's Rate Card Fees effective on October 1, 2022. The description of the Rate Card Amendments also provides transparency regarding the internal process for how the Board intends to amend such fees on an annual basis going forward. Specifically, subsequent to this proposed rule change, and commencing with the filing of a proposed rule change prior to or in the last quarter of calendar year 2023, the Board anticipates filing a proposed rule change with the Commission each year to effectuate an ''Annual Rate Card'' that would revise the Rate Card Fees as necessary or appropriate to defray the costs and expenses of operating and administering the Board.[8] The MSRB anticipates filing such proposed rule changes to be effective as of January 1 each calendar year and operative until December 31 for that year.[9] In addition to the proposed Rate Card Amendments, the proposed rule change also proposes the Technical Amendments to Rule A–11, Rule A–12, and Rule A–13 to provide greater regulatory clarity for the assessment of fees on MSRB regulated entities under these rules.

Purpose and Description of the Rate Card Amendments

As a self-regulatory organization, the Board discharges its statutory mandate under the Exchange Act by establishing rules for regulated entities, enhancing the transparency of the municipal securities market through technology systems, and publicly disseminating data about the municipal securities market. The Board funds its activities primarily through the assessment of fees and charges on regulated entities as is necessary or appropriate to defray the costs and expenses of operating and administering the Board.[10] The Board independently manages and monitors its financial position on an ongoing basis to ensure that the organization has sufficient revenue and organizational reserves to maintain its operations in accordance with the Act,[11] without interruption, even in economic downturns and other unforeseen circumstances.

Current Fee Structure

The Board has previously established, and currently applies, the following fee

[4] As further described herein, the proposed rule change would provide a technical amendment to Rule A–13 to change the terminology for this fee from ''technology fee'' to ''trade count fee.'' To avoid confusion, the proposed rule change utilizes the amended name except as context requires for clarity, such as describing this specific technical amendment and providing certain historical revenue data in Exhibit 3. *See* discussion *infra* entitled ''Technical Amendments to Rule A–13 and Related Cross-References.''

[5] Underwriting assessments charged pursuant to Rule A–13(c)(ii) to certain dealers acting as underwriters of municipal fund securities are not included in the Market Activity Fees that would be amended by this proposed rule change.

[6] The MSRB has designated the Rate Card Amendments as establishing or changing a due, fee, or other change under Section 19(b)(3)(A)(ii) of the Act (15 U.S.C. 78s(b)(3)(A)(ii)) and Rule 19b–4(f)(2) (17 CFR 240.19b–4(f)(2)) thereunder. The MSRB has designated the Technical Amendments as being immediately effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Exchange Act (15 U.S.C. 78s(b)(3)(A)(iii)) and Rule 19b–(f)(6) (17 CFR 240.19b–4(f)(6)) thereunder.

[7] *See* discussion *infra* under ''Proposed Annual Rate Card Approach.'' As further described therein, the Board presently anticipates filing proposed rule changes with the Commission to amend the rates of assessment of the Rate Card Fees on an annual basis going forward, as applicable, with the first set of such amendments filed with the Commission prior to or in the last quarter of calendar year 2023 to become operative on January 1, 2024.

[8] *See* Section 15B(b)(2)(J) of the Act (15 U.S.C. 78*o*–4(b)(2)(J)).

[9] Unlike these anticipated future amendments, the Rate Card Amendments for Fiscal Year 2023 are expected to be effective for a 15-month period from October 1, 2022 to December 31, 2023.

[10] *See* Section 15B(b)(2)(J) of the Act (15 U.S.C. 78*o*–4(b)(2)(J)).

[11] *Id.*

assessments on regulated entities to ensure the MSRB's ongoing operations (the ''current fee structure''): [12]

(i) *Municipal Advisor Professional Fee:* A fee of $1,000 for each covered professional as of January 31 of each year; [13]

(ii) *Initial Registration Fee:* A $1,000 one-time registration fee to be paid by each dealer to register with the MSRB before engaging in municipal securities activities and by each municipal advisor to register with the MSRB before engaging in municipal advisory activities; [14]

(iii) *Annual Registration Fee:* A $1,000 annual fee to be paid by each dealer and municipal advisor registered with the MSRB; [15]

(iv) *Late Fee:* A $25 monthly late fee and a late fee on the overdue balance (computed according to the prime rate) until paid on balances not paid within 30 days of the invoice date by the dealer or municipal advisor; [16]

(v) *Underwriting Fee:* A fee amount of $.0275 per $1,000 of the par value paid by a dealer on all municipal securities purchased from an issuer by or through such dealer, whether acting as principal or agent as part of a primary offering (the ''Underwriting Fee''); [17]

(vi) *Municipal Funds Underwriting Fee:* A fee amount of $.005 per $1,000 of the total aggregate assets for the reporting period (*i.e.,* the 529 savings plan fee on underwriters), in the case of an underwriter (as defined in Rule G–45) of a primary offering of certain municipal fund securities; [18]

(vii) *Transaction Fee:* A fee amount of .001% ($.01 per $1,000) of the total par value to be paid by a dealer, except in limited circumstances, for inter-dealer sales and customer sales reported to the MSRB pursuant to Rule G–14(b), on transaction reporting requirements (the ''Transaction Fee''); [19]

(viii) *Technology Fee:* [20] A fee of $1.00 paid per transaction by a dealer for each inter-dealer sale and for each sale to customers reported to the MSRB pursuant to Rule G–14(b) (the ''Trade Count Fee''); [21] and

(ix) *Examination Fee:* A $150 test development fee assessed per candidate for each MSRB examination.[22]

In addition to these fees assessed on regulated entities, the Board also receives revenues from certain other sources, such as investment income, regulatory fine sharing,[23] and MSRB data subscription fees.[24] These revenue sources contribute a much smaller portion to the overall MSRB funding.[25]

Board Review of the Current Fee Structure

Early in Fiscal Year 2021, the Board determined that it should review the current fee structure in relation to the MSRB's long term financial position and near-term anticipated funding needs (the ''Fee Review''). Through its Fee Review, the Board sought to identify potential improvements to the MSRB's current fee structure that would: (i) maintain a fair and equitable balance of reasonable fees and charges among regulated entities; [26] (ii) mitigate the

[12] The Market Activity Fees listed do not indicate the current temporary fee reductions that expire on September 30, 2022. *See* Rule A–13(h) (specifying a temporary underwriting assessment of .00165% ($0.0165 per $1,000) of the par value; a temporary transaction assessment of .0006% ($0.006 per $1,000) of the par value; and a temporary technology assessment of $0.60 per transaction); *see also* Exchange Act Release No. 91247 (Mar. 3, 2021), 86 FR 13593 (Mar. 9, 2021) File No. SR–MSRB–2021–02 (hereinafter, ''2021 Temporary Fee Reduction''). Consistent with the language of the 2021 Temporary Fee Reduction, these reduced fee rates will expire on September 30, 2022; and the related rule text would be deleted effective as of October 1, 2022 by operation of the Technical Amendments proposed herein.

[13] Current Rule A–11(a)(i).

[14] Rule A–12(b). Initial registration assessments charged pursuant to Rule A–12(b) are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the amount of the initial registration fee historically has been set with the intention of defraying a significant portion of the administrative and operational costs associated with the processing of a regulated entity's initial registration, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust such fees each year through an annual rate setting process. *See* Exchange Act Release No. 75751 (Aug. 24, 2015), 80 FR 52352 (Aug. 28, 2015) File No. SR–MSRB–2015–08 (stating the initial registration fee is to help defray a significant portion of the administrative and operational costs associated with processing an initial registration). *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[15] Rule A–12(c). Annual registration assessments charged pursuant to Rule A–12(c) are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the rate of assessment for the annual registration fee is intended to serve as a fixed, baseline contribution from all registered regulated entities, irrespective of a regulated entity's actual total market activities, the Board determined that, at this time, it was not beneficial or appropriate to incrementally adjust such fees each year through an annual rate setting process. *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[16] Rule A–11(b) and Rule A–12(d). As discussed herein, the Technical Amendments would remove the current reference in Rule A–12(d) to late fees for payments due pursuant to Rule A–13 and incorporate this concept into Rule A–13. *See* Rule A–12(d) (''Any broker, dealer, municipal securities dealer or municipal advisor that fails to pay any fee assessed under this rule *or Rule A–13* within 30 days of the invoice date shall pay a monthly late fee of $25 and a late fee on the overdue balance, computed according to the Prime Rate, as provided for in the MSRB Registration Manual, until paid.'' (emphasis added)).

[17] Current Rule A–13(c)(i).

[18] Current Rule A–13(c)(ii). Assessments charged pursuant to Rule A–13(c)(ii) related to certain municipal fund securities are not included in the Rate Card Fees that would be amended by this proposed rule change. The basis upon which the municipal funds underwriting fee is assessed (*i.e.,* the total aggregate assets for the reporting period) is not subject to the same type of volatility as the Market Activity Fees, but instead is expected to generally continue to grow over time. For example, municipal funds underwriting fee revenue amounted to approximately $1,332,000 in Fiscal Year 2021, approximately $1,167,000 in Fiscal Year 2020, and approximately $991,000 in Fiscal Year 2019. *See* MSRB 2021 Annual Report, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-2021-Annual-Report.ashx*?. As a result, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust the rate of assessment each year through an annual rate setting process. *See* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[19] Rule A–13(d)(i) (transaction fee on inter-dealer sales) and Rule A–13(d)(ii) (transaction fee on customer sales).

[20] As further described herein, the proposed rule change would provide a technical amendment to this provision of Rule A–13 to rename this fee to the ''trade count fee.''

[21] Rule A–13(d)(vi).

[22] Rule A–16. Assessments charged pursuant to Rule A–16 related to such examination fees are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the rate of assessment for the examination fee historically has been set with the intention of defraying a portion of the overall costs of the MSRB's professional qualification and testing program, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust the rate of assessment of such fee each year through an annual rate setting process. *See* Exchange Act Release No. 85135 (Feb. 14, 2019), 84 FR 5513 (Feb. 21, 2019) File No. SR–MSRB–2019–02 (stating the examination fee is intended to partially offset the overall program costs to the MSRB of its professional qualification and testing program). *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[23] Fine revenue became a revenue source as first provided in 2010 under the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''). *See* 15 U.S.C. 78*o*–4(c)(9).

[24] The MSRB charges data subscription service fees for subscribers, including regulated entities and non-regulated entities, seeking direct electronic delivery of municipal trade data and disclosure documents associated with municipal bond issues. This information is also available without direct electronic delivery on the EMMA website without charge.

[25] For example, fine-sharing revenue amounted to approximately 0.9% of the MSRB's overall revenue in Fiscal Year 2021 (or approximately $322,000), 3.3% in Fiscal Year 2020 (or approximately $1.5 million), and 0.4% (or approximately $151,000) in Fiscal Year 2019. *See* MSRB 2021 Annual Report, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-2021-Annual-Report.ashx*?. Given that this revenue is collected by FINRA and the SEC for violations of MSRB rules and the fact that the Board does not set the rates of assessment for the collection of such fines, the Board does not believe that it is appropriate to separately consider fine-sharing revenue for potential rebates to regulated entities by operation of the proposed Annual Rate Cards and the annual rate setting process.

[26] While engaging in the Fee Review, and consistent with the MSRB Funding Policy, the Board considered how potential modifications to

impact of market volatility on the amount of fee revenue actually paid each year[27] and, correspondingly, facilitate the Board's ability to manage the amount held by the MSRB in organizational reserves year-to-year;[28] and (iii) prudently fund the MSRB's anticipated near-term operating expenses.[29]

Maintaining a Fair and Equitable Balance of Fees. As part of its Fee Review, the Board evaluated the MSRB's current fee structure to determine whether the fees and charges assessed upon regulated entities remain reasonable, fair, and equitable. Among other factors considered during the Fee Review, the Board: (i) analyzed publicly available data on the revenue models of dealers and municipal advisors across geographic areas;[30] (ii) examined MSRB expense allocations to inform its understanding of how much of the MSRB's expense budget relates to various activities;[31] (iii) evaluated historical budgeted revenue versus actual revenues generated for the existing fee categories;[32] (iv) gauged the MSRB's fee distribution across varying business models of dealer and municipal advisory firms;[33] and (v) deliberated upon feedback from stakeholder discussions and prior written comments on the topic of the MSRB's fees and expenses.[34]

Based on these factors considered, the Board found that the current fee structure—including the basis on which fees are assessed and the relative contribution of revenue from each of the current fees assessed on regulated entities—overall remains reasonable, fair, and equitable. However, as further discussed below, the Board also determined that the current fee structure could be improved with certain process changes and targeted rule amendments to address the challenges associated with (i) the revenue impact of market volatility and (ii) the MSRB's anticipated near-term funding needs.

Mitigating the Impact of Market Volatility. As part of the Fee Review, the Board analyzed the historical revenue generated under the MSRB's current fee structure as compared to the historical amounts budgeted over the same fiscal years.[35] While the various fees actually paid by regulated entities have, in some recent fiscal years, marginally exceeded or underperformed their budgeted amounts, the Board found that the amount of the three Market Activity Fees actually collected have often exceeded their annual budget targets by more than marginal amounts.[36] The Board also found that the recurring variances between budgeted amounts and actual amounts of Market Activity Fees collected directly contributed to the periodic build-up of excess reserves and, consequently, precipitated the need for the MSRB to use rebates or temporary fee reductions as a mechanism to rightsize organizational reserve positions back to the Board's target.[37] Based on these causal links between fluctuations in market activity year-to-year, variances in the amount of Market Activity Fees actually collected versus budgeted amounts, and the need for rebates or temporary fee reductions to rightsize organizational reserves, the Board prioritized the identification of alternative fee approaches that would better mitigate the impact of the inevitable, year-to-year fluctuations in activity in the municipal securities market.

After considering alternatives, the Board first determined that the Municipal Advisor Professional Fee and the current set of Market Activity Fees—*i.e.,* Underwriting Fees, Transaction Fees, and Trade Count Fees—remain the most reasonable and practical mechanisms for assessing fees on regulated entities and so should not be replaced with alternative fee

the current fee structure would impact the diversity of the MSRB's funding sources. *See* MSRB Funding Policy, available at *https://www.msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Funding-Policy* (hereinafter, the ''MSRB Funding Policy'') (stating that the ''MSRB strives to diversify funding sources among regulated entities and other entities that fund MSRB services in a manner that ensures long-term sustainability, seeking to achieve an equitable balance among regulated entities and a fair allocation of the costs of systems and services among other users and regulated entities to the extent allowed by law.'')

[27] Market Activity Fees are driven by market dynamics and are inherently unpredictable. Because of this unpredictability, the amount of Market Activity Fees collected by the MSRB has often exceeded the amount budgeted in recent fiscal years. The MSRB's Financial Statements for recent fiscal years are available at *http://msrb.org/About-MSRB/Financial-and-Other-Information/Annual-Reports.aspx. See* ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[28] The Board established a reserves target to ensure that the organization maintains a prudent level of financial resources to fund operations and ensure the long-term financial sustainability of the organization, taking into consideration a range of reasonably foreseeable market conditions and expected expenditures over a three-year time horizon. The reserves target is determined after conducting a detailed and comprehensive analysis of the liquidity needs in four categories: (1) working capital, (2) risk reserves, (3) strategic investment reserves, and (4) regulatory reserves. *See* MSRB Funding Policy (link at note 26 *supra*) (these four categories are identified in the discussion under ''Reserve Considerations''). The Board reviews and adjusts the reserves target on an annual basis to ensure that it remains appropriately aligned with the organization's needs. *See* MSRB Fiscal Year 2022 Budget for a further discussion of the MSRB's budget and reserves, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx?.*

[29] *See, e.g.,* Exhibit 3, ''Chart 8—Historical Actual Expenses,'' ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[30] The Board considered market data from various external and internal sources, such as the Texas Bond Review Board State and Local Annual Reports (*http://www.brb.state.tx.us/publications.aspx*), the California State Treasurer's Office—California Debt and Investment Advisory Commission (CDIAC) (*https://data.debtwatch.treasurer.ca.gov/Government/CDA-All-Data/yng6-vaxy*), primary market data included in official statements and other offering documents, and trading and other secondary market data. *See also, e.g.,* the MSRB's published Fact Books, which provide various historical data sets related to market activities, such as the distribution of municipal trades by dealers, available at *https://www.msrb.org/Market-Transparency/Market-Data-Publications/MSRB-Fact-Book.aspx.*

[31] *See, e.g.,* Exhibit 3, ''Chart 9—Historical Budgeted Expense by Function.''

[32] *See* Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual'' and ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees.''

[33] As non-exhaustive examples, the Board considered fee distribution across the business models of: (i) small, medium, and large firms, (ii) dually registered firms versus firms registered only as dealers or municipal advisors, and (iii) firms that engage in underwriting activities versus secondary market activities. *See also* Exhibit 3, ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).''

[34] *See, e.g.,* MSRB Notice 2020–19: ''MSRB Requests Input on Strategic Goals and Priorities'' (Dec. 7, 2020), available at *https://msrb.org/-/media/Files/Regulatory-Notices/RFCs/2020-19.ashx??n=1,* and related stakeholder comments (hereinafter, the ''Stakeholder Comments to the MSRB's Strategic Priorities''), available at *https://msrb.org/Rules-and-Interpretations/Regulatory-Notices/2020/2020-19?c=1. See also, e.g.,* comments provided on Exchange Act Release No. 87075 (Sep. 24, 2019), 84 FR 51698 (Sep. 30, 2019) File No. SR–MSRB–2019–11, available at *https://www.sec.gov/comments/sr-msrb-2019-11/srmsrb201911.htm,* and comments provided on Exchange Act Release No. 81264 (July 31, 2017), 82 FR 36472 (Aug. 4, 2017) File No. SR–MSRB–2017–05, available at *https://www.sec.gov/comments/sr-msrb-2017-05/msrb201705.htm.*

[35] *See, e.g.,* Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual'' and ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees.''

[36] *See* Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.'' Relatedly, the Board determined that such recurring variances could not be fully addressed with further refinements to the MSRB's budgeting process; rather, the variances were inherent to the imprecision associated with budgeting future market volumes related to underwriting and trading activity that exists within the overall dynamic of the municipal securities market.

[37] *Compare, e.g.,* Exhibit 3, ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' Chart 5—Historical Effective Fee Rate Changes'' and ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model.''

mechanisms. The Board came to this determination primarily because it continues to believe that the respective mechanisms for assessing the Municipal Advisor Professional Fee and the Market Activity Fees remain superior to potential alternatives—some of which may require significantly more burdensome firm reporting to achieve comparatively greater precision in the alignment of the total amount of the fees assessed on a given firm with such firm's total regulated activities;[38] and, therefore, these fee mechanisms remain the best option among alternatives to ensure that the amount of the Municipal Advisor Professional Fees and Market Activity Fees paid by a given firm is both (i) appropriately balanced to the burdens and benefits of the MSRB's regulatory and transparency activities, and also (ii) generally proportional to the differing resources devoted to the regulation of firms with different business models and differing degrees of complexity.[39] These existing fee methods also have the advantage of being established mechanisms for assessing fees on regulated entities; and, in this regard, the Board believes that maintaining this current set of fee methods is more advantageous than other alternatives because firms already understand and have embedded such assessments into their business operations.

While the Board determined that the mechanisms for assessing the Municipal Advisor Professional Fee and the Market Activity Fees should not be replaced, the Board also determined it would be beneficial to refine its approach to review and amend these fee rates for each calendar year on an annual basis going forward. Specifically, to avoid the MSRB accumulating excess reserves through the collection of fee revenue above budgeted amounts over multiple fiscal years and then utilizing short-term fee reductions to return the excess revenues to the regulated entities who paid the fees, the Board is proposing to review and incrementally refine the rates of assessment for each of these fees each year. This revised approach would more closely align the rates of assessment for the Municipal Advisor Professional Fee and the Market Activity Fees to the MSRB's annual revenue requirements, including by factoring revenue surpluses and shortfalls against budgeted amounts for each of these fees from the prior year directly into the annual rate calculation process. As further described in the section below entitled ''Proposed Annual Rate Card Approach,'' the Board's proposed approach would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, also better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would be comparably more stable over the long term than the MSRB's current fee structure.[40]

Funding the MSRB's Anticipated Near-Term Operating Expenses. In addition to analyzing the impact of variable market activity as part of its Fee Review, the Board also analyzed the MSRB's current budget projections for Fiscal Year 2023 and the anticipated funding needs in the near term beyond Fiscal Year 2023.[41] Specific to the projections for Fiscal Year 2023, the MSRB's pro forma estimate currently anticipates an operating deficit for the twelve-month period, based on preliminary projected expenses and projected revenue under the current fee structure (and without the Rate Card Amendments). Beyond Fiscal Year 2023, the Board assumed at least modest expense growth in the near-term fiscal years in line with the MSRB's ten-year compound annual growth rate,[42] particularly in consideration of the current impacts of inflation and other key expenses associated with modernizing and operating the MSRB's technology systems. Based on these budgetary expectations, the Board analyzed options for how expense control and additional revenue generation could address both the projected operating deficit for Fiscal Year 2023 and the likelihood of expense growth in future near-term fiscal years.

In terms of expense control, the MSRB remains committed to responsibly managing expenses and aligning its resources to the fulfillment of the Board's statutory mandate.[43] Accordingly, the Board reviewed anticipated expenses against various factors, including (i) the MSRB's ''Strategic Plan—Fiscal Years 2022–2025;''[44] (ii) actual historical expenses versus budgeted expenses for certain activities;[45] and (iii) stakeholder feedback and comments.[46] Based on these and other aspects of its Fee Review, the Board determined that the MSRB's Strategic Plan should serve as the main budgetary guidepost for how the MSRB allocates its limited resources and resolves competing fiscal priorities, particularly because various stakeholders provided significant written input regarding the Strategic Plan.[47] Consequently, the Board determined that the MSRB's expenditures in Fiscal Year 2023 and future near-term fiscal years generally should align with the expenses necessary to discharge its statutory mandate in accordance with the Strategic Plan.[48] As a result, at least modest expense growth, in line with the MSRB's ten-year compound annual growth rate,[49] is assumed given various

[38] *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition—Baseline and Reasonable Alternative Approaches.''

[39] The Board considers the distribution of its fees among regulated entities of differing sizes, complexities, and business models and strives for proportionality in the distribution of fees as much as feasible within the broader set of considerations described in the MSRB Funding Policy. *See, e.g.,* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees'' and Exhibit 3, ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).'' *See also* Release No. 34–87075 (Sep. 24, 2019), 84 FR 51698 (Sep. 30, 2019) File No. SR–MSRB–2019–11 (providing for increases to the Municipal Advisor Professional Fee and discussing the superiority of maintaining the Municipal Advisor Professional Fee in light of possible alternatives that would require creating a novel and, therefore, likely more burdensome reporting requirement).

[40] *See* related discussion *infra* under ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3, ''Chart 5—Historical Effective Fee Rate Changes.''

[41] Specific to the scope of the Board's near-term funding analysis, the Board considered various funding scenarios for Fiscal Year 2023 through Fiscal Year 2025. *See, e.g.,* Exhibit 3, ''Chart 8—Historical Actual Expenses'' (showing a ten-year historical compound annual growth rate of 4.2%), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[42] *See* Exhibit 3, ''Chart 8—Historical Actual Expenses.''

[43] *See, e.g.,* ''Controlling Expenses'' in MSRB Fiscal Year 2022 Budget at page 12 and related discussion, available at *https://msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx*?. *See also* Exhibit 3, ''Chart 6—Historical Expense Variances: Budget vs. Actual.''

[44] The MSRB's Strategic Plan—Fiscal Years 2022–25 is available at *https://msrb.org/-/media/Files/Resources/MSRB-Strategic-Plan-2022-2025.ashx*? (the ''Strategic Plan'').

[45] *See* Exhibit 3, ''Chart 6—Historical Expense Variances: Budget vs. Actual'' and ''Chart 9—Historical Budgeted Expense by Function.''

[46] *See, e.g.,* Stakeholder Comments to the MSRB's Strategic Priorities (link at note 34 *supra*).

[47] *Id.*

[48] The MSRB notes that its anticipated expenditures for the near-term fiscal years beyond Fiscal Year 2023 are subject to greater uncertainty caused by the higher potential for changing circumstances and, correspondingly, its budgetary assumptions for these years are also less certain.

[49] *See* Exhibit 3, ''Chart 8—Historical Actual Expenses.''

considerations, including the current Strategic Plan's emphasis on the modernization of the MSRB's technology systems and the MSRB's ongoing efforts to advance the quality, accessibility, security, and value of the MSRB's market data for all participants in the municipal securities market. The Board will continue to actively monitor and manage its financial position to ensure prudent expense alignment to the MSRB's statutory mandate and the corresponding objectives of the MSRB's Strategic Plan.

In terms of revenue, the Board determined that the current fee structure should be amended to increase total revenue and, thereby, reduce the likelihood of a near-term operating deficit for Fiscal Year 2023.[50] The Board is proposing to raise this additional revenue in accordance with a new rate setting approach as described in the following section entitled ''Proposed Annual Rate Card Approach.'' The Board considered comments from regulated entities about the consequences associated with the MSRB collecting more fee revenue than needed and with the MSRB maintaining organizational reserves in excess of what is required.[51] In response to such concerns, the Board has undertaken significant efforts to determine the level of organizational reserves needed and, correspondingly, refined and reduced its organizational reserves target.[52] To bring the MSRB's excess organizational reserves in-line with this refined target, the Board has intentionally budgeted operating deficits in recent fiscal years, primarily by temporarily reducing certain fees on regulated entities and, thereby, collecting less revenue as a result of those fee reductions.[53] At the same time, the Board has designated funds from the MSRB's organizational reserves for necessary multiyear systems modernization initiatives, which has further aligned organizational reserves to target.[54] As a result of these efforts, the MSRB's organizational reserves presently are on track to be aligned with the Board's reserves target for Fiscal Year 2023.[55] In this way, while the Board determined that additional funding is needed for Fiscal Year 2023, the Board also determined that such funding would be best obtained through an increase in fees as opposed to the further drawing down of organizational reserves below target.[56]

Proposed Annual Rate Card Approach

Consistent with the Board's analysis and conclusions discussed above, the Board proposes to amend the Municipal Advisor Professional Fee assessed pursuant to Rule A–11 and the Market Activity Fees assessed pursuant to Rule A–13 (*i.e.,* the Rate Card Fees). Underlying the proposed textual amendments to Rule A–11 and Rule A–13 is a revised fee approach, whereby the Board anticipates reviewing the Rate Card Fees each year and modifying them through the filing of a proposed rule change with the Commission. In this way, the MSRB's Annual Rate Cards will propose amended rates of assessment for each of the four fees on regulated entities that make up the Rate Card Fees (*i.e.,* Underwriting Fees, Transaction Fees, Trade Count Fees, and Municipal Advisor Professional Fees). Subsequent to the Annual Rate Card described in this proposed rule change,[57] the Board anticipates filing such proposed rule changes enumerating the Annual Rate Cards to be effective as of January 1st of each calendar year beginning with January 1, 2024.[58]

The Annual Rate Card approach is expected to ensure the MSRB's financial model remains sustainable, while (i) adequately funding future MSRB expenses and also (ii) providing a greater degree of flexibility than the MSRB's current fee structure to mitigate the impact of market volatility (and effectively manage organizational reserve levels). The Annual Rate Card approach differs from the MSRB's current approach by instituting a framework of more frequent, but also more incremental adjustments, to the four fees that generate the vast majority of the MSRB's annual revenue. The increased frequency of the MSRB's amendments to the Rate Card Fees is meant to avoid the accumulation of excess reserves resulting from additional revenue collected due to market volatility as compared to budget expectations and, thereby, the need for rate amendments in the form of more significant, ad hoc temporary fee reductions or rebates.[59] To ensure that

[50] *See* Exhibit 3, ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses'' and ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[51] *See, e.g.,* letter from Mike Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA''), (Jan. 11, 2021) (hereinafter, the ''BDA Comment Letter'') (responding to the MSRB's Request for Input on Strategic Goals and Priorities and stating ''[w]e strongly urge the Board to take a comprehensive look at its finances with the goal of once and for all establishing a funding mechanism that fairly allocates the MSRB's expenses among regulated entities and does not assess the industry for more money than the MSRB needs''), available at *https://www.msrb.org/rfc/2020-19/Dbamerica.pdf.*

[52] *See* Exhibit 3, ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[53] See the 2021 Temporary Fee Reduction (citation and link at note 12 supra); Release No. 34–85400 (Mar. 22, 2019), 84 FR 11841 (Mar. 28, 2019) File No. SR–MSRB–2019–06 (providing for a temporary fee reduction); and Release No. 34–83713 (July 26, 2018), 83 FR 37538 (Aug. 1, 2018) File No. SR–MSRB–2018–06 (providing for a temporary fee reduction). *See also* Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' ''Chart 5—Historical Effective Fee Rate Changes,'' and ''Chart 7—Historical Budgeted Revenue and Budgeted Expense.''

[54] *See* the MSRB's Fiscal Year 2022 Budget, at page 13 (discussing the MSRB's system modernizations investments), available at *https://msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx*?. *See also, e.g.,* the MSRB's 2021 Annual Report, at page 2 (link at note 25 *supra*); the MSRB's 2020 Annual Report, at page 35 (discussing certain modernization investment efforts), available at *https://msrb.org/-/media/Files/Resources/MSRB-2020-Annual-Report.ashx*?; and the MSRB's 2019 Annual Report, at page 11 (discussing the MSRB's cloud investments), available at *https://msrb.org/-/media/Files/Resources/MSRB-2019-Annual-Report.ashx*?.

[55] *See* Exhibit 3, ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[56] *See* Exhibit 3, ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses,'' and ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[57] Because of the expiration of the 2021 Temporary Fee Reduction on September 30, 2022, the proposed rule change's Annual Rate Card for Fiscal Year 2023 and the first quarter of Fiscal Year 2024 will become effective on October 1, 2022, and, in this way, is intended to be operative for a fifteen-month period running from October 1, 2022, to December 31, 2023.

[58] As the proposed rule change is structured, a given Annual Rate Card would remain effective and operative until a subsequent proposed rule change amending such rates is filed, effective, and operative. As stated, the MSRB anticipates that subsequent Annual Rate Cards for future years will be filed with the Commission through a proposed rule change and the MSRB would seek to have such rates operative for twelve months running from January 1 to December 31 (*i.e.,* a calendar-year basis). In order to execute the Annual Rate Card Process, the MSRB determined to establish the Annual Rate Card on a calendar-year basis. This allows the MSRB to determine any prior fiscal year variances and return excess revenue or assess revenue shortfalls through the new Rate Card Fees. Nevertheless, as changing fiscal circumstances may warrant, the MSRB will retain the flexibility to amend the rates of assessment specified by a given Annual Rate Card under this modified approach in accordance with applicable statutory requirements governing any such proposed rule change.

[59] The proposed rule change would not amend the underlying activities that are the subject of such assessments. In other words, the respective volumes of underwriting and transaction activities of a dealer firm would continue to serve as the basis upon which Market Activity Fees are assessed under Rule A–13; and the number of covered professionals associated with a municipal advisory firm would continue to serve as the basis upon

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the Board's adjustments to the Annual Rate Card will remain incremental, the Board is proposing certain maximum caps on the amount of such year-to-year increases, as discussed below under the section entitled ''Limitations on Rate Changes to Promote Predictability and Stability.'' [60]

Objectives of the Annual Rate Card. Adjustments to the Annual Rate Card will be used to revise the Rate Card Fees to annual levels that the MSRB anticipates will be sufficient to: (i) cover anticipated expenses for the related fiscal year; [61] (ii) maintain target contribution balances between fees on regulated entities in line with recent historical precedents; [62] (iii) address any prior-year variance between the amounts of each of the Rate Card Fees actually collected versus budget (*i.e.,* ''Rate Card Fee Variances''); [63] and (iv) address any variance between the amount of the Board's organizational reserves versus the Board's target (*i.e.,* ''Reserves Variances'').[64] Fee rates may increase year-to-year, subject to certain limitations discussed in additional detail below, or decrease from year-to-year, as needed to meet these objectives.

Process for Setting the Annual Rate Card. The Board will develop an Annual Rate Card for future fiscal years through a uniform process consistent with the objectives discussed above (the ''Annual Rate Card Process'').[65] The Annual Rate Card Process is intended to establish a fee framework that is more transparent and predictable for the MSRB's stakeholders while also retaining the Board's ability to flexibly react to changing circumstances when establishing reasonable fees on regulated entities. The Annual Rate Card Process will consist of the activities below.

Development of the Fiscal Year Operational Funding Level. Consistent with its existing budgeting process, the Board will approve the annual expense budget and, thereby, establish the baseline revenue that the organization will need to operate for that fiscal year (*i.e.,* the ''Operational Funding Level''). As previously discussed, the MSRB anticipates the Operational Funding Level in the near-term fiscal years to align with the discharge of the Board's statutory mandate and corresponding initiatives outlined in the MSRB's current Strategic Plan. Once the Board sets the Operational Funding Level, any Reserves Variances may further adjust the amount of the Operational Funding Level, as discussed below.

Reconciliation of Any Material Reserves Variances. While the Board currently projects that the MSRB's reserves will be at their target level at the end of Fiscal Year 2022, based on current circumstances, if there are material Reserves Variances in future fiscal years, the amount of such Reserves Variances will be added to or subtracted from the Operational Funding Level to develop a final ''Budgeted Revenue Target'' for a given fiscal year. For example, if there is a Negative Reserves Variance, the Board may determine, in accordance with the MSRB Funding Policy, that some or all of the reserves shortfall will be incorporated into the total revenue that needs to be collected for that fiscal year.[66] Conversely, if there is a material Positive Reserves Variance, the Board may determine, in accordance with the MSRB Funding Policy, that some or all of the excess will offset an amount of the total revenue that needs to be collected for that fiscal year.[67]

which the rate of the Municipal Advisor Professional Fee is assessed under Rule A–11. Other fees assessed on regulated entities—specifically, the initial registration fee, annual registration fee, late fee, municipal funds underwriting fee, and examination fees—will be unchanged.

[60] If the proposed rule change becomes operative, the MSRB Funding Policy will be updated as of such operative date to reflect this Annual Rate Card approach, including with respect to certain maximum caps incorporated into the Annual Rate Card Process (as defined *infra*) regarding (i) a maximum cap on targeted revenue, which would generally cap a year-over-year increase in the total targeted revenue for a Rate Card Fee at 10% when applicable, and (ii) a maximum cap on assessment rate increases, which would generally cap the maximum year-over-year increase in the assessment rate for a Rate Card Fee at 25% when applicable. See related discussion infra under ''Limitations on Rate Changes to Promote Predictability and Stability.'' The current MSRB Funding Policy is publicly available, presently at *https://www.msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Funding-Policy.*

[61] As noted, the MSRB anticipates that, subsequent to the Annual Rate Card proposed herein and currently anticipated to be operative for the fifteen months from October 1, 2022 to December 31, 2023, future Annual Rate Cards would become effective on January 1, while the MSRB fiscal year would start on the prior October 1. *See also* Exhibit 3, ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[62] That is, this factor is intended to maintain a proportionate percentage amount of the MSRB's anticipated expenses for the fiscal year among each of the Market Activity Fees and the Municipal Advisor Professional Fee. *See, e.g.,* Exhibit 3, ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue'' and ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented).

[63] A positive variance may occur, for example, when the actual revenue from Rate Card Fees collected for a fiscal year exceeds budgeted amounts (a ''Positive Rate Card Fee Variance''). *See, e.g.,* Exhibit 3, ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' at Fiscal Year 2020 (reflecting the actual revenue generated from the Underwriting Fee and Transaction Fee exceeding budget). A negative variance may occur, for example, when the actual revenue from Rate Card Fees collected for a fiscal year is below budgeted amounts (a ''Negative Rate Card Fee Variance''). *See, e.g.,* Exhibit 3, ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' at Fiscal Year 2020 (reflecting the actual revenue generated from the Technology Fee below budget).

[64] A positive variance above the reserves target may occur, for example, due to actual expense savings, actual revenue above budget from sources other than Rate Card Fees, or the Board's determination to decrease the reserves target in light of revised organizational needs (a ''Positive Reserves Variance''). *See, e.g.,* Exhibit 3, ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' at Fiscal Year 2021 (reflecting actual reserves exceeding target). A negative variance below the reserves target may occur, for example, due to an increase in actual expenses, shortfall in revenue from sources other than Rate Card Fees, or the Board's determination to increase the reserves target in light of revised organizational needs (a ''Negative Reserves Variance''). *See, e.g.,* Exhibit 3, ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' at Fiscal Year 2011 (reflecting actual reserves below target).

[65] The amended Annual Rate Cards resulting from the Annual Rate Card Process will be filed with the Commission as proposed rule changes consistent with the Act.

[66] Stated differently, the Board may decide that some or all of such a Negative Reserves Variance amount will be added to that fiscal year's Operational Funding Level when determining the cumulative Budgeted Revenue Target for that fiscal year. Notably, the Board would have the flexibility to close the Negative Reserves Variance (*i.e.,* increase reserves funding to reach the target) over a period of multiple fiscal years, rather than all in one fiscal year, and so could determine to only address some of the Negative Reserves Variance in a given fiscal year. For example, if the Operational Funding Level was determined to be $45 million and there was a Negative Reserves Variance of $1 million (*i.e.,* actual reserves were under target by $1 million), then the Board could seek to resolve that difference by increasing the target amount of revenue to be generated from the applicable Annual Rate Card by $1 million and set a final Budgeted Revenue Target of $46 million. Alternatively, the Board may determine to seek to resolve the $1 million difference over the course of two Annual Rate Cards and set the final Budgeted Revenue Target for the first of those two Annual Rate Cards at, for example, $45.5 million.

[67] Stated differently, the Board may decide that some or all of such a Positive Reserves Variance amount will be subtracted from that fiscal year's Operational Funding Level to determine the Budgeted Revenue Target for that fiscal year. As discussed in the immediately prior footnote, the Board would have the flexibility to close the Positive Reserves Variance (*i.e.,* decrease reserves funding to target) over a period of multiple fiscal years, rather than all in one fiscal year, and so could determine to only address some of the Positive Reserves Variance in a given fiscal year. For example, if the Operational Funding Level was determined to be $45 million and there was a Positive Reserves Variance of $1 million (*i.e.,* actual reserves were over target by $1 million), then the Board could seek to resolve that variance by decreasing the target amount of revenue to be generated from the applicable Annual Rate Card by $1 million and set a final Budgeted Revenue Target of $44 million. Alternatively, the Board may determine to seek to resolve the $1 million variance

Incorporation of Other Anticipated Revenue. Revenue from sources other than the Rate Card Fees will be forecasted, and that estimate will be credited against the Budgeted Revenue Target. The amount remaining after these revenue estimates are incorporated will be the remaining revenue amount that will determine the total amount of funding needed to be generated from the Rate Card Fees (the ''Rate Card Funding Amount'').

Reconciliation of Any Rate Card Fee Variances from the Prior Fiscal Year. Each of the four Rate Card Fees will be responsible for a proportionate amount of the overall Rate Card Funding Amount (each a ''Proportional Contribution Amount''). The MSRB will maintain a fair and equitable balance of the Proportional Contribution Amounts in line with recent historical precedents.[68] Beginning with the Annual Rate Card for Fiscal Year 2024, any Rate Card Fee Variances between the budget and actual results of the Rate Card Fees for the prior fiscal year will be added to (or subtracted from) the Proportional Contribution Amount (''Final Contribution Amount'').[69] For example, if new issuance underwriting volume were to exceed the budgeted amount in Fiscal Year 2023, resulting in a Positive Rate Card Fee Variance for that fee, the Proportional Contribution Amount for the Underwriting Fee would be adjusted downward sufficient to offset the excess Underwriting Fee revenue collected (and *vice versa*). In this way, Rate Card Fee Variances related to a specific Rate Card Fee will only impact the Proportional Contribution Amount for that specific fee.

Forecast of Expected Activity and Setting the Annual Rate Card. The MSRB will use the best available information to set expected volume of activity for the coming fiscal year. Based on the anticipated volume of activity, the MSRB will calculate rates of assessment for each of the Rate Card Fees to generate their respective Final Contribution Amounts.

Limitations on Rate Changes to Promote Predictability and Stability. To alleviate the potential for greater uncertainty among regulated entities regarding the variability of the Rate Card Fees under this revised approach, the Board has also established certain limitations on fee increases from year-to-year to promote greater predictability and stability.[70]

10% Maximum Cap on Targeted Revenue. The first limitation is a 10% cap on the maximum year-over-year increase in the targeted revenue for a Rate Card Fee.[71] This maximum cap is intended to limit large increases in the rate of assessment for the Rate Card Fees to ensure that fee increases remain incremental and, accordingly, regulated entities have the time to operationalize such increases into their business models.

25% Maximum Cap on Assessment Rate Increases. The second limitation is a 25% cap on the maximum year-over-year increase in the assessment rate for a Rate Card Fee.[72] The secondary cap is intended to limit large increases in rates of assessment for the Rate Card Fees in instances where expected volume decreases significantly from the prior year.

If the proposed rule change becomes operative, the MSRB Funding Policy will be updated as of such operative date to reflect the Annual Rate Card Process, including the Maximum Cap on Targeted Revenue and the Maximum Cap on Assessment Rate Increases. It should be noted that, pursuant to its terms, the principles described in the MSRB Funding Policy do not bind individual Board decisions but instead generally are intended as a guide to provide continuity in funding decisions and to help align strategic, operational, and financial planning.[73] If the Annual Rate Card Process becomes operative and a future proposed amendment to the rates of assessment for the Rate Card Fees would exceed the Maximum Cap on Targeted Revenue or the Maximum Cap on Assessment Rate Increases, as applicable, then such future amendment would address any such deviation in the corresponding proposed rule change.

Proposed Rate Card Amendments

The proposed Rate Card Amendments are designed to promote the collection of reasonable fees and charges from MSRB regulated entities as are necessary or appropriate to defray the costs and expenses of operating and administering the Board.[74] The Board believes that the Annual Rate Card Process enables it to consider the necessary factors and to sufficiently deliberate on those factors in order to arrive at reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Accordingly, among the other reasons discussed herein, the Board believes that the proposed rule change achieves reasonable fees and charges consistent with the Act because the Rate Card Amendments adhered to the Annual Rate Card Process. Specifically, the Board (i) developed the Operational Funding Level for Fiscal Year 2023 based on existing pro forma estimates; (ii) incorporated other anticipated revenue into its funding analysis; and (iii) forecasted expected volume activity to appropriately set the rates of assessment for each of the Rate Card Fees, all as further described above.[75]

over the course of two Annual Rate Cards and set the final Budgeted Revenue Target for the first of those two Annual Rate Cards at, for example $44.5 million.

[68] The Board will consider whether contribution targets should be revisited when setting rates each year. However, to maintain fairness and equity in fees, the Board intends contribution targets to be relatively stable over time, unless there is a durable, material shift in market structure or circumstances that would indicate that the expectations for the relative contributions from one or more fees are no longer reasonable or appropriate. *See* Exhibit 3, ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue'' and also ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model.''

[69] More specifically, a Negative Rate Card Fee Variance will increase the rate of assessment for a Rate Card Fee by increasing its Final Contribution Amount. A Positive Rate Card Fee Variance will reduce the rate of assessment for a Rate Card Fee by reducing its Final Contribution Amount. *See* note 63 *supra* and related discussion regarding Rate Card Fee Variances.

[70] If the full amount of a Negative Rate Card Fee Variance cannot be recaptured in a single year due to these limitations, the remaining amount of such variance will carry over into the calculation of the Rate Card Funding Amount for the following fiscal year(s) and, all else being equal, increase the rate of assessment for such Rate Card Fee as described above. Conversely, there are no limits on potential decreases to the rates of assessment for the Rate Card Fees that may result from Positive Rate Card Fee Variances and, if warranted, Positive Reserves Variances.

[71] Note that the 10% revenue cap is based on targeted revenue dollars. The underlying market activity volume will likely vary based on projected market conditions for the respective fiscal year. For illustrative purposes only, if the target revenue for one of the Rate Card Fees in Year 1 is $13,000,000, the maximum target revenue in Year 2 would be $14,300,000. In addition, if target revenue decreased in Year 2—such as to return excess revenue collected in Year 1—then the cap for Year 3 would be calculated based on the higher revenue target in the year prior to the decrease (*i.e.,* the higher prior revenue level in Year 1, which is $13,000,000 in this example).

[72] For illustrative purposes only, if the Trade Count Fee is set at $1.10 in Year 1, the maximum rate in Year 2 would be $1.38 under the 25% maximum cap on assessment rate increases. In addition, if the assessment rate decreased in Year 2—such as to return excess revenue collected in Year 1—then the cap for Year 3 would be calculated based on the higher assessment rate in the year prior to the decrease.

[73] *See* MSRB Funding Policy (link at note 26 *supra*).

[74] *See* Section 15B(b)(2)(J) of the Act. 15 U.S.C. 78*o*–4(b)(2)(J).

[75] The Board did not engage in the reconciliation of any material reserves variances because the Board anticipates that organizational reserves would be at or near target on the proposed effective date of October 1, 2022. Nor did the Board engage

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Proposed Annual Rate Card. The Rate Card Amendments would establish the Municipal Advisor Professional Fee specified in Rule A–11 and the Market Activity Fees specified in Rule A–13 in accordance with the chart below.

	Basis	Current rate [76]	Proposed rate
Underwriting Fee	Per $1,000 Par Underwritten	$0.0275	$0.0297
Transaction Fee	Per $1,000 Par Transacted	0.0100	0.0107
Trade Count Fee	Per Trade	1.00	1.10
Municipal Advisor Professional Fee	Per Covered Professional	1,000	1,060

These revised rates would become effective on October 1, 2022 and are expected to apply to activities occurring through December 31, 2023. The Board anticipates amending the rates of assessment specified in this proposed Annual Rate Card with a subsequent rule filing with the Commission that would become effective as of January 1, 2024.[77]

Purpose and Description of the Technical Amendments

Consistent with the Board's Fee Review, the MSRB identified instances across Rule A–11, Rule A–12, and Rule A–13 where amendments would improve the clarity of application of these MSRB rules. Specifically, the MSRB determined that Rule A–11, Rule A–12, and Rule A–13 could benefit from: (i) the creation of defined terms for existing concepts that would help streamline the rule text and improve readability; (ii) the clarification of existing terms and concepts through the consolidation of previously published regulatory guidance into the proposed rule change and the direct incorporation of cross-referenced definitions from other MSRB rules into the proposed rule change; and (iii) the deletion of obsolete rule language to streamline the rule text and avoid the potential for regulatory confusion as to why such obsolete language continues to be incorporated into MSRB rules. Accordingly, the proposed rule change would also amend Rule A–11, Rule A–12, and Rule A–13 with certain technical, non-substantive amendments.

Technical Amendments to Rule A–11

The proposed Technical Amendments would amend Rule A–11 to (i) create a separately defined term for the concept of a ''covered professional;'' (ii) reformat the applicable subsections of Rule A–11 with the appropriate subsection designations and update the applicable cross-references in the rule text; and (iii) directly incorporate the definition for ''Prime Rate'' into the text of the rule. Importantly, the proposed definition for the new term ''covered professional'' is intended to be non-substantive and to match the existing rule text and understanding of the descriptive phrase in Rule A–11 regarding a ''person associated with the municipal advisor who is qualified as a municipal advisor representative in accordance with Rule G–3 and for whom the municipal advisor has on file with the Commission a Form MA–I as of January 31 of each year.'' The proposed amendment would also incorporate the concept of an ''active'' Form MA–I to make expressly clear the existing application of Rule A–11 that, if a firm has filed an amendment to indicate that an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on its behalf, then that individual's Form MA–I would not be deemed as active for purposes of the Municipal Advisor Professional Fee and would not be counted in the January 31st calculation regarding the assessment of the Municipal Advisor Professional Fee. In this way, the proposed amendments are intended to define the same category of associated persons as the existing text of the rule and, all else being equal, would not capture any greater or fewer individuals in its scope. Consequently, the proposed defined term for a covered professional would not change the MSRB's current method for calculating and applying the amount of the Municipal Advisor Professional Fee under Rule A–11. The proposed amendment is merely intended to provide greater regulatory clarity for the application of Rule A–11. Therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that would improve its readability and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

Consistent with separately defining the term ''covered professional,'' the proposed rule change would also reformat the applicable subsections of Rule A–11 with the appropriate subsection designations and update the applicable cross-references in the rule text. These related amendments are merely intended to provide internal consistency to Rule A–11 in light of the other amendments and, therefore, the MSRB believes they are technical, non-substantive amendments.

Lastly, the proposed Technical Amendments to Rule A–11 would strike the current reference to the MSRB Registration Manual from current subsection (b) and directly incorporate the definition for ''Prime Rate'' in Supplementary Material .02. The new definition provided in Supplementary Material .02 would match the existing definition provided in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–11 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. Moreover, the MSRB believes that moving this language directly into Rule A–11 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer

in the reconciliation of any Rate Card Fee Variances because, as noted, this is the first use of the Annual Rate Card approach, so no such Rate Card Fee Variances yet exist.

[76] The Rate Card Fees listed do not indicate the current temporary fee reductions for the Market Activity Fees that expire on September 30, 2022. *See* Rule A–13(h) and the 2021 Temporary Fee Reduction (citation and description at note 12 *supra*).

[77] The Rate Card Amendments are intended to revise the rates of assessment for the Market Activity Fees prior to the expiration of the 2021 Temporary Fee Reduction on October 1, 2022. As a result, the Board notes that its fifteen-month budgetary and rate assumptions are subject to a greater degree of uncertainty than would be expected in future years, which would only have twelve-month budgetary and rate assumptions. Consequently, there is an increased risk that the Board may need to exercise its flexibility to revise this rate card prior to its implementation on October 1, 2022 in accordance with the totality of the circumstances and as prudence necessitates. However, that is not the current expectation.

have to separately reference Rule A–11 and the MSRB Registration Manual.

Technical Amendments to Rule A–12

The proposed Technical Amendments would amend Rule A–12 to (i) eliminate its existing reference to Rule A–13 regarding the imposition of late fees under Rule A–13; (ii) delete the now obsolete language in Supplementary Material .01 regarding the temporary suspension of late fees from March 1, 2020 to July 1, 2020; and (iii) directly incorporate the definition for ''Prime Rate'' into the text of the rule. In terms of deleting the reference to the imposition of late fees owed pursuant to Rule A–13, the MSRB believes that regulatory clarity would be improved if this fee concept was deleted from Rule A–12 and incorporated directly into Rule A–13. The proposed amendment to Rule A–13 that would incorporate this concept in an amendment to that rule text and, thereby, retain this fee concept in the MSRB's fee structure is discussed in the following section. Notably, the deletion of this fee concept in Rule A–12 and its incorporation in Rule A–13 would not change the MSRB's current method for calculating and applying the amount of such late fees; and, therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that improves its readability and does not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In terms of deleting the language in Supplementary Material .01 of Rule A–12, the language is no longer operative at this time and, therefore, the MSRB believes that deleting it from the rule text would improve the clarity of the application of Rule A–12. Specifically, the deletion of the text of Supplementary Material .01 from Rule A–12 would help streamline the rule text and reduce the potential for regulatory confusion as to why it continues to be included in the text of the rule.

In addition, the proposed Technical Amendments to Rule A–12 would strike the reference to the MSRB Registration Manual from subsection (d) and directly incorporate the definition for ''Prime Rate'' in Supplementary Material .01. The new definition provided in Supplementary Material .01 would match the existing definition provided for in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–12 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. Moreover, the MSRB believes that moving this language directly into Rule A–12 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer have to separately reference Rule A–12 and the MSRB Registration Manual.

Technical Amendments to Rule A–13

The proposed Technical Amendments would amend Rule A–13 to: (i) reformat and clarify the definition of ''primary offering'' consistent with the historical understanding and current application of Rule A–13; (ii) further clarify that certain transactions in municipal securities must meet the definition of a ''variable rate demand obligation'' or ''VRDO'' under Rule G–34, on CUSIP numbers, new issue, and market information requirements, in order to be exempt from Transaction Fees pursuant to Rule A–13(d)(iii)(c)'s subsection identifying ''Transactions Not Subject to Transaction Fee;''[78] (iii) uniformly revise Rule A–13's references to the term ''technology fee'' to ''trade count fee;'' (iv) incorporate the existing concept regarding the imposition of late fees into the rule text (which concept currently exists in Rule A–12, but is being deleted from Rule A–12 as part of the proposed amendments, as discussed above); (v) delete the language that would become obsolete on September 30, 2022 regarding the temporary fee reduction of the Market Activity Fees for activities occurring between April 1, 2021 through September 30, 2022; (vi) delete the now obsolete language in Supplementary .01 regarding the waiving of certain assessments for transactions with the Municipal Liquidity Facility established by the Federal Reserve Board of Governors; and (vii) directly incorporate the definition for ''Prime Rate'' into the text of the rule.

The proposed Technical Amendments regarding the definition of primary offering for purposes of Rule A–13 would reformat the existing definition to the first subsection of the rule, as well as incorporate clarifying revisions expressly codifying the existing application of Rule A–13 to private placements.[79] Specifically, the proposed amendment would incorporate text expressly stating that, consistent with the definition for the same term found in Rule 15c2–12(f)(7) under the Act,[80] certain circumstances where a dealer acts as an agent for an issuer to arrange the placement of a new issue of municipal securities would be included in the definitional scope of a ''primary offering'' under Rule A–13. Accordingly, the MSRB believes that these amendments are technical, clarifying modifications to the rule text that (i) would improve the readability of Rule A–13 and facilitate greater regulatory clarity regarding the current application of the Underwriting Fee and (ii) would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In addition, the proposed Technical Amendments to Rule A–13 would clarify that only transactions in municipal securities that meet the definition of a ''variable rate demand obligation'' under Rule G–34 are exempt from Transaction Fees pursuant to Rule A–13's language regarding ''Transactions Not Subject to Transaction Fee.'' Specifically, the current definitional language in that subsection of Rule A–13 does not precisely match the corresponding definition in Rule G–34.[81] Yet, the MSRB's internal billing process currently relies on reports made

[78] This language is currently found in subsection (d)(iii)(c) of Rule A–13 and the proposed rule change would not amend its location.

[79] Since the inception of the Underwriting Fee, the application of Rule A–13 has encompassed those primary offerings where a municipal securities dealer acts agent for the issuer arranging the direct placement of new issue municipal securities with institutional customers or individuals. *See* ''Underwriting assessment: application to private placements'' (Feb. 22, 1982), available at *https://msrb.org/Rules-and-Interpretations/MSRB-Rules/Administrative/Rule-A-13?tab=2*. Given this amendment to Rule A–13, the February 22, 1982 guidance will be removed from the MSRB rule book as of the operative date of the Technical Amendments and will be archived by relocating it to a dedicated MSRB Archived Interpretive Guidance page at: *www.msrb.org/Rules-andInterpretations/Archived-Guidance-Rule-Book-Review.aspx*. The guidance will be clearly labeled with its date of archival and can be accessed for its historical value.

[80] 17 CFR 240.15c2–12(f)(7) (stating that the term ''primary offering'' means ''an offering of municipal securities directly or indirectly by or on behalf of an issuer of such securities'').

[81] *See* Rule G–34(e)(viii) (''The term 'variable rate demand obligation' shall mean securities in which the interest rate resets on a periodic basis with a frequency of up to and including every nine months, where an investor has the option to put the issue back to the trustee, tender agent or other agent of the issuer or obligated person at any time, typically within a notification period, and a broker, dealer or municipal securities dealer acts as a remarketing agent responsible for reselling to new investors securities that have been tendered for purchase by a holder.'')

pursuant to Rule G–34's Short-term Obligation Rate Transparency System and, thereby, Rule G–34's variable rate demand obligation definition, to identify such transactions that should not be billed under Rule A–13. To avoid the possibility of any potential unintended consequences resulting from the differences between the definition currently stated in Rule A–13 versus the variable rate demand obligation definition in Rule G–34 that is currently utilized for purposes of the MSRB's internal billing logic, the proposed rule change would amend Rule A–13 to expressly cross-reference Rule G–34(e)(viii) and expressly restate the variable rate demand obligation definition directly in the text of Rule A–13. The MSRB believes that the proposed amendments to expressly incorporate Rule G–34's variable rate demand obligation definition into Rule A–13 will improve regulatory clarity for regulated entities regarding the MSRB's billing process and which transactions are exempt from certain fees. In this way, the proposed definition is intended to define the same category of activity and instruments as the existing text of the rule and, all else being equal, would not capture any greater or fewer transactions than the current application of the Rule A–13.

As previously mentioned above, the proposed Technical Amendments would uniformly revise Rule A–13's references to the term ''technology fee'' to the term ''trade count fee.'' The MSRB believes that this non-substantive change is warranted because the use of the phrase ''technology fee'' is outdated. The MSRB believes ''trade count'' fee is a better descriptor because the revenue generated from this fee is not strictly used for technology expenses but is aggregated with the other fee revenue the MSRB collects and utilized for the most appropriate organizational uses.[82] Accordingly, the MSRB believes that the term ''trade count fee'' is a more accurate descriptor and, thereby, less likely to lead to regulatory confusion about this fee.

Consistent with Technical Amendments to Rule A–11 and Rule A–12, the proposed Technical Amendments to Rule A–13 would also copy language into new Rule A–13(g) incorporating the existing concept currently articulated in current Rule A–12(d) regarding the imposition of late fees on the fees assessed pursuant to Rule A–13. As noted above, currently, the operative rule text for this late fee concept is provided for in Rule A–12(d), and the proposed rule change would delete this language from Rule A–12(d) specific to Rule A–13's fees. Importantly, the incorporation of this language directly into new Rule A–13(g) would not change the MSRB's current method for calculating and applying the amount of such late fees; and, therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that improves the readability of both Rule A–12 and also Rule A–13 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. The MSRB believes that moving this language into Rule A–13 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer have to separately reference Rule A–12 to identify that such late fees were applicable to the fees assessed pursuant to Rule A–13.

Relatedly, and similar to the proposed amendments to Rule A–11 and Rule A–12 on the same topic of late fees, the proposed Technical Amendments to Rule A–13 would also directly incorporate the definition for ''Prime Rate'' in new Supplementary Material .02. This definition provided in Supplementary Material .02 would match the current definition provided in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided for in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–13 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In addition, the proposed Technical Amendments to Rule A–13 would delete the language that would become obsolete on September 30, 2022, regarding the temporary fee reduction of the Market Activity Fees for those activities occurring between April 1, 2021 through September 30, 2022. Given the MSRB's proposed effective date for this proposed rule change, the MSRB believes that this deletion would improve regulatory clarity for regulated entities because this language would no longer be operative as of October 1, 2022, and, therefore, its continued inclusion in the rule text may cause regulatory confusion. Similarly, the proposed Technical Amendments would delete the now obsolete language in Supplementary .01 of Rule A–13 regarding the waiving of certain assessments for transactions with the Municipal Liquidity Facility (the ''MLF'') established by the Federal Reserve Board of Governors. Given that the MLF and the language used to reference it here is no longer operative, the MSRB believes that this deletion would improve regulatory clarity for regulated entities.

Lastly, consistent with all the other proposed Technical Amendments to Rule A–13, the proposed rule change would also reformat the applicable subsections of Rule A–13 with the appropriate subsection designation and update the applicable cross-references in the rule text. These related amendments are merely intended to provide internal consistency to Rule A–13 in light of the other amendments and, therefore, the MSRB believes they are technical, non-substantive amendments.

2. Statutory Basis

Statutory Basis for the Rate Card Amendments

The MSRB believes that the proposed Rate Card Amendments are consistent with Section 15B(b)(2)(J) of the Act,[83] which states that the MSRB's rules shall provide that each municipal securities broker, municipal securities dealer, and municipal advisor shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board.[84] Such rules must specify the amount of such fees and charges, which may include charges for failure to submit to the Board, or to any information system operated by the Board, within the prescribed timeframes, any items of information or documents required to be submitted under any rule issued by the Board.[85]

The MSRB believes that the Rate Card Amendments provide for reasonable fees and charges to be paid by regulated entities. Moreover, the MSRB believes that the Rate Card Amendments are necessary and appropriate to fund the operation and administration of the Board and, thereby, satisfy the requirements of Section 15B(b)(2)(J)[86] through the achievement of a reasonable

[82] *See* Exchange Act Release No. 75751 (Aug. 24, 2015), 80 FR 52352 (Aug. 28, 2015) File No. SR–MSRB–2015–08, at 52355 (discussing the fact that the revenue from the technology fee will no longer be designated exclusively for capitalized hardware and software expense).

[83] 15 U.S.C. 78*o*–4(b)(2)(J).

[84] *Id.*

[85] *Id.*

[86] *Id.*

fee structure that ensures (i) an equitable balance of necessary and appropriate fees among regulated entities and (ii) a fair allocation of the burden of defraying the costs and expenses of the MSRB.[87] Specifically, the Board believes that the Rate Card Amendments will achieve reasonable fees on regulated entities [88] that (i) are necessary and appropriate to sustain the operation and administration of the Board by defraying the MSRB's anticipated Fiscal Year 2023 operating and administrative expenses; [89] (ii) reasonably and appropriately allocate fees among firms by equitably distributing fees in accordance with each individual firm's overall market activities; [90] and (iii) reasonably and appropriately adjust for the annual fluctuations in the volume of market activity as compared to budget expectation by incorporating the actual amounts of Market Activity Fees collected as compared to budget into this and future rate-setting processes.[91] As a result, the MSRB believes that the proposed rule change satisfies the applicable requirements of Section 15B(b)(2)(J) of the Act,[92] and the Board has developed a reasonable and appropriate fee mechanism that will sufficiently fund future expenses and better manage reserves at appropriate levels.[93]

Statutory Basis for the Technical Amendments

The MSRB believes that the proposed Technical Amendments are consistent with Section 15B(b)(2)(C) of the Act,[94] which states that the MSRB's rules shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.[95]

The MSRB believes that the Technical Amendments would promote just and equitable principles of trade by ensuring that existing rule provisions are accurate and understandable by: (i) creating newly defined terms for existing concepts that will help streamline the rule text and improve its readability; (ii) clarifying the application of existing terms and concepts through the consolidation of previously published regulatory guidance into the proposed rule change and the direct incorporation of cross-referenced definitions from other MSRB rules into the proposed rule change; and (iii) deleting obsolete rule language to streamline the rule text and avoid the potential for regulatory confusion as to why such language continues to be incorporated into MSRB rules. While the Technical Amendments would affect rules applicable to MSRB regulated entities, the amendments are meant to clarify Rule A–11, Rule A–12, and Rule A–13, respectively, and would not (i) modify any existing regulatory burdens or obligations, (ii) create any new regulatory burdens or obligations, or (iii) affect the registration status of any persons under MSRB rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Exchange Act requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[96] The MSRB has considered the economic impact of the proposed rule change, including a comparison to reasonable alternative regulatory approaches.[97]

The Annual Rate Card Process proposed by the Rate Card Amendments is intended to introduce a new fee structure that would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, also better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would be comparably more stable over the long term than the MSRB's current fee structure.[98] Furthermore, the Annual Rate Card process applies equally to all those MSRB regulated entities who may pay dealer Market Activity Fees and/or the Municipal Advisor Professional Fees. Accordingly, the MSRB believes that the proposed Annual Rate Card Process would not have an impact on competition and, consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. The MSRB therefore believes the Annual Rate Card Process would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The increase in the rates of assessment for the Rate Card Fees proposed by the Rate Card Amendments (*i.e.,* the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee) are necessary and appropriate to cover the currently anticipated operating deficit for Fiscal Year 2023, which would have occurred even with the current fee structure, to ensure prudent funding for the operation and administration of the Board. Moreover, the Board's Rate Card Amendments apply equally to each MSRB regulated entity who may pay the Rate Card Fees and, thereby, equitably

[87] *See, e.g.,* Exhibit 3, ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).''

[88] In addition to the following citations within this sentence in support of the reasonability of the Rate Card Amendments, *see also* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees,—Mitigating the Impact of Market Volatility, and—Funding the MSRB's Anticipated Near-Term Operating Expenses'' and ''Proposed Rate Card Amendments.'' *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition.''

[89] *See* Exhibit 3, ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses'' and ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[90] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See also* Exhibit 3, ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented).

[91] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See also* Exhibit 3, ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[92] 15 U.S.C. 78*o*–4(b)(2)(J).

[93] *See also* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees,—Mitigating the Impact of Market Volatility, and—Funding the MSRB's Anticipated Near-Term Operating Expenses'' and ''Proposed Rate Card Amendments.'' *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition.''

[94] 15 U.S.C. 78*o*–4(b)(2)(C).

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] *See* related discussion *supra* under ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility'' and ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3, ''Chart 5—Historical Effective Fee Rate Changes.''

and non-discriminatorily distribute the fee burden across all MSRB regulated entities who participate in the municipal securities market. In this way, no firm would be unduly burdened as compared to another firm. In particular, smaller municipal advisory firms would continue to pay less Municipal Advisor Professional Fees than larger municipal advisory firms, and, therefore, the Rate Card Fees proposed by the Rate Card Amendments are not unduly burdensome, comparatively, between small municipal advisory firms and large municipal advisory firms. Because the Rate Card Fees proposed by the Rate Card Amendments would equitably and non-discriminately distribute the fee burden across all MSRB regulated entities, the MSRB believes that the Rate Card Fees proposed by the Rate Card Amendments would not have an impact on competition and, consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. Accordingly, the MSRB believes the Rate Card Fees proposed by the Rate Card Amendments would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Board determined it was necessary and appropriate to conduct a comprehensive review of the MSRB's overall fee structure to devise a methodology that reasonably and appropriately defrays the costs and expenses associated with operating and administering the Board, with a goal of arriving at a longer-term solution for MSRB's revenue generation process that continues to ensure a sustainable financial position. The current fee structure has a semipermanent fixed rate of assessment for each of the above categories. Under the proposed Annual Rate Card Process, categories of fees assessed for regulated entities would remain the same. However, the Board proposes using an annual rate-setting method to recalculate fee rates every year for each category based on factors described herein.[99]

With the proposed Annual Rate Card Process, the Board is adopting a programmatic methodology for assessing the fees in each category. While the current categories of fees divided amongst regulated entities would not change (*i.e.,* the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee) in the proposed Annual Rate Card Process, the proportional share of each category would vary less over the long term than under the current fee structure and would be consistent with the average shares paid by each category of fees in recent fiscal years.[100] The proposed Annual Rate Card Process allows the Board to review a change in budgeted expenses compared to the prior year and compare it to the projected market activities for each category of fees in the upcoming year. Any over/under assessment in the prior year within each class of fee payer would be factored into any change in the fee rate for the subsequent year. Fee rates would be established prior to or in the fourth quarter of each calendar year to be effective on the following January 1 and would last until December 31. However, for Fiscal Year 2023, the first year of adoption, the effective date would start from October 1, 2022 and end on December 31, 2023 for a fifteen-month period. Following the inaugural fifteen-month Annual Rate Card proposed by the Rate Card Amendments, in subsequent years, the fee rates for each category would be adjusted on a calendar year basis starting in January to compensate for any over/under assessment in the prior fiscal year, in addition to accommodating any change in other considerations (*e.g.,* change in annual expenses, change in projected market volume, prior year revenue variances as compared to budget, change in reserve target and certain limitations on fee increases).

For Fiscal Year 2023, the Board is also projecting a revenue/expense imbalance (*i.e.,* an operating deficit) without a change in the current fee structure.[101] In the past, excess organizational reserves buffered budget deficits (though the budgeted deficits were typically not realized due to excess revenue collected versus budget or expense savings, unless intended deficits due to rebates or temporary fee reductions); however, now that the excess reserves are being eliminated because of the Fiscal Year 2021 Temporary Fee Reduction, any deficit would require a fee increase in Fiscal Year 2023 to cover the gap and maintain a balance between revenues and expenses, regardless of the fee structure used. Therefore, the proposed rule change also includes a rate increase for the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee for the Annual Rate Card proposed by the Rate Card Amendments. It should be noted that the Board last raised the rate for the Transaction Fee and technology fee in Fiscal Year 2011 when the technology fee was first imposed, and last raised the rate for the Underwriting Fee more than 20 years ago.[102]

Necessity of the Rate Card Amendments

The Board believes Rate Card Amendments are necessary and appropriate to:

(i) maintain a fair and equitable balance of reasonable fees and charges among regulated entities;[103]

(ii) better mitigate fee assessment volatility based on Market Activity Fees,[104] which has contributed to the growth of the MSRB's excess reserves;[105] and

(iii) ensure a prudent long-term approach to organizational funding that addresses projected structural operating deficits under the current fee structure in near-term fiscal years.[106]

[99] The SEC and FINRA use this approach for some fees. *See* SEC Section 31 rate fees: *https://www.sec.gov/divisions/marketreg/sec31feesbasicinfo.htm; see also* FINRA Trading Activity Fee (TAF) *https://www.finra.org/rules-guidance/guidance/trading-activity-fee.*

[100] *See* Exhibit 3, ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue,'' ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual,'' ''Chart 5—Historical Effective Fee Rate Changes,'' and ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented). As to how the proportion was devised, in addition to the costs of regulatory activities, the cost of servicing each category of fees is also a consideration, as it costs the MSRB significantly more to collect and disseminate trading data for transparency purposes than municipal advisory firm professional data. It should be noted that all regulated entities benefit from this publicly available transparency information.

[101] *See* Exhibit 3, ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses.''

[102] The Municipal advisory firm professional fee was raised three times since inception in Fiscal Year 2014 (Fiscal Year 2018, Fiscal Year 2020, and Fiscal Year 2021).

[103] *See* discussion *supra* under ''Statutory Basis for the Rate Card Amendments'' near notes 87 and 88.

[104] *See* related discussions *supra* under sections entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility'' and ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability.'' *See also* Exhibit 3, ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual,'' and ''Chart 5—Historical Effective Fee Rate Changes.''

[105] *Id.*

[106] *See,* Exhibit 3, ''Chart 8—Historical Actual Expenses'' (showing a ten-year historical compound annual growth rate of 4.2%),''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

Because market events, when combined with the current fee structure, partially contributed to the excess reserves in recent years, the Board believes it is reasonable and appropriate to adopt a new approach to reduce the variability over time in fee assessments and mitigate the impact of market volatility over time by adjusting for budget surpluses or shortfalls annually, therefore providing a better mechanism for effectively managing fee rates and reserve levels.[107] In the recent past, higher-than-expected new issue and secondary market volumes caused fees assessed from dealers to exceed budgets and, combined with lower-than-expected expenses, led to increases in reserves that necessitated rebates or temporary fee reductions to manage reserve levels. To reduce excess reserves, the Board instituted ad hoc rebates in Fiscal Year 2014 and Fiscal Year 2016 and temporary fee reductions via filings with the Commission for Fiscal Year 2019 and for Fiscal Year 2021 and Fiscal Year 2022 to reduce the excess reserves.[108] As a result, there has been volatility in fee collections (since these are market-based fees) and MSRB's reserve levels in recent years.[109] The same dynamics could also exist if actual new issue and secondary market activities fail to meet projected volumes, resulting in a revenue shortfall, which would prompt new filings to increase rate assessments to close the gap.

Without devising a new fee approach, it is likely the MSRB would again be forced to deal with large reserve excesses or shortfalls on an ad hoc basis in the future, which would not be a sustainable path going forward.[110] Specifically, the proposed Annual Rate Card Process would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, also better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would be comparably more stable over the long term than the MSRB's current fee structure.[111] In this way, the Annual Rate Process is intended to establish a fee framework that is more transparent and predictable for the MSRB's stakeholders that would mitigate market volatility over time, while also retaining the Board's ability to flexibly react to changing circumstances year-to-year when establishing reasonable fees on regulated entities.[112]

Baseline and Reasonable Alternative Approaches

The current fee assessment structure is used as a baseline to evaluate the benefits, the costs, and the burden on competition of the proposed Annual Rate Card Process. Furthermore, the proposed rate increase for Market Activity Fees and Municipal Advisor Professional Fee for the Fiscal Year 2023 Annual Rate Card would have occurred regardless of which fee structure is adopted since excess reserves are being eliminated through the 2021 Temporary Fee Reduction and the need to cure the Fiscal Year 2023 structural budget deficit; therefore, the Board's assessment in this section focuses on the comparison of the two fee structures setting aside the increases to the rates of assessment for the Rate Card Fees proposed by the Rate Card Amendments for Fiscal Year 2023 extending to December 2023.

In addition to the proposed new fee rate setting approach, the MSRB also considered a few other fee assessment options but ultimately decided that the proposed Rate Card Fee structure is the best approach to ensure a stable revenue stream for the MSRB while reducing the volatility from Market Activity Fees assessed and the need for ad hoc fee filings with the Commission, without instituting a fundamental change in how the MSRB assesses fees that may disrupt regulated entities' financial expectations and operations.

For example, one alternative the MSRB reviewed was to include other sources of revenue in the Annual Rate Card Process. The MSRB evaluated whether to include in the variable rate card pool approach the municipal funds underwriting fees, annual fees, and initial fees. However, the MSRB ultimately decided not to include those fees for a variety of reasons, including the fact that each of those fees constitutes a much smaller proportion than the four categories in the proposed Annual Rate Card Process.[113]

Additionally, the Board also considered a different way to apportion fees within each class of fee payer but decided that the proposed Annual Rate Card Process is the best way to achieve proportionate revenue based on the MSRB's available information, *i.e.,* underwriters pay based on their volume underwritten, trading firms pay based on their trading activities (in par value and trade count), and municipal advisory firms pay based on the headcount of a firm.

A fee assessment method based on a percentage of each municipal advisory firm's revenue, for example, would not be feasible at this time as the MSRB does not currently require municipal advisory firms to report such information under existing rules; and, more importantly, many municipal advisory firms would likely have business activities not solely related to municipal advisory services. In addition, it would increase the burden on municipal advisory firms as municipal advisory firms would have the responsibility to collect the relevant information to be used for MSRB's fee assessment and also would then be required to report it. The MSRB believes at this time that the costs and burdens associated with collecting and reporting such information are not justified, and the Municipal Advisor Annual Professional Fee for each person associated with the firm who is qualified is a reasonable proxy for the size of relevant business activities conducted by each municipal advisory firm.

Benefits, Costs, and Burden on Competition

The proposed amendments to MSRB rules would result in a new fee

[107] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See* also Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[108] The 2021 Temporary Fee Reduction is the MSRB's largest temporary fee reduction, which was initiated during Fiscal Year 2021 and is expected to last until September 30, 2022. Link to the 2021 Temporary Fee Reduction and related citations *supra* at note 12. The MSRB also filed for a separate temporary fee reduction during Fiscal Year 2019. *See* Exchange Act Release No. 85400 (Mar. 22, 2019), 84 FR 11841 (Mar., 28 2019) File No. SR–MSRB–2019–06.

[109] *See* Stakeholder Comments to the MSRB's Strategic Priorities (link at note 34 *supra*). Specifically, one commenter asked the MSRB to better address the volatility in revenues and the corresponding excess in MSRB organizational reserves. *See, e.g.,* BDA Comment Letter, at p. 3–4 (link and citation at note 51).

[110] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See* also Exhibit 3, ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[111] *See* related discussion *supra* under ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3, ''Chart 5—Historical Effective Fee Rate Changes.''

[112] *See* related discussion *supra* under ''Proposed Annual Rate Card Approach.''

[113] *See* notes 14, 15, 18, and 22 *supra* and related discussion for explanations of why the Board to determined not to include certain fees in the Rate Card Fees and the Annual Rate Card Process.

approach intended to align revenues and expenses more closely and to reduce the year-to-year volatility in the amount of fees assessed (and, as a result, reduce the likelihood of accumulating excess reserves) by targeting each fee category to a pre-determined proportion of the total revenue based on respective projected volumes.[114] The proposed Annual Rate Card Process would result in more frequent (annual), but smaller downward and upward, adjustments to keep revenues more closely aligned with budgeted expenses.

The proposed Annual Rate Card Process addresses the following goals and issues the Board identified before initiating the Fee Review and would therefore achieve the intended benefits:

- Continue to maintain a fair and equitable balance of fees among all regulated entities, as the MSRB's new fee approach proposal does not change the division of fees amongst regulated entities;
- Design a durable fee structure for MSRB's long-term needs;
- Ensure that excess reserves would not likely be built up at a high level again by reviewing the actual reserves compared to the targeted reserves annually and incorporating any needed adjustments directly into the Annual Rate Card Process;
- Mitigate the need for an ad hoc ''rebate'' process, as any excess revenue would be used to reduce future years' fees; and
- Lower year-to-year variability in fee assessments, which would smooth out regulated entities' budget outlays.

For the Annual Rate Card proposed by the Rate Card Amendments, the proposed rate increases for Market Activity Fees,[115] which would be applicable to all dealers who conduct municipal market business, and for Municipal Advisor Professional Fee, which would be applicable to all municipal advisory firms, are intended to pay for the expenses of operating and administering the Board, including execution of the MSRB's Strategic Plan for ongoing technology and data investments, and would occur regardless of which fee structure the MSRB would adopt. Aside from the proposed rate increases for this Annual Rate Card, the Board does not believe the proposed Annual Rate Card Process would create any additional costs for regulated entities when compared to the current fee structure, as the aggregate fees assessed using the proposed Annual Rate Card Process over the course of multiple years would be equivalent to the aggregate fees assessed using the current fee structure, except with less year-to-year fluctuation since over or under revenue assessments related to market volatility would be operationalized through the Rate Card Process.

The proposed Annual Rate Card Process would introduce a new fee structure to reduce year-to-year fluctuation in the amount of market-based fees paid by each regulated entity over time. The MSRB believes that the proposed Annual Rate Card Process would not have an impact on competition and, consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. The MSRB believes the proposed rate increase for the Fiscal Year 2023 Annual Rate Card (extending to December 2023) is necessary and appropriate to ensure prudent funding for the Board and that such fee increases are reasonably and fairly designed to be proportionately distributed across regulated entities in such a way that would not harm competition among regulated entities, nor otherwise harm the functioning of the municipal securities market. As a result, the Board does not believe that the proposed rate increase would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it would be applicable to all regulated entities. The Board also believes that no firm would be unduly burdened as compared to another firm in terms of the proposed rate increase. Dealers with different levels of underwriting and trading activities as well as municipal advisory firms with a range of headcounts would all be impacted proportionately by the proposed Annual Rate Card Process, including the proposed increases for the rates of assessment for the Fiscal Year 2023 Annual Rate Card.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit comment on the proposed rule change. Therefore, there are no comments on the proposed rule change received from members, participants, or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change related to the Rate Card Amendments has become effective pursuant to Section 19(b)(3)(A) of the Act [116] and paragraph (f) of Rule 19b–4 [117] thereunder. Because the foregoing proposed rule change related to the Technical Amendments does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [118] and Rule 19b–4(f)(6) [119] 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–MSRB–2022–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2022–03. 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/*

[114] *See, e.g.,* related discussion *supra* under ''Proposed Annual Rate Card Approach—Objectives of the Annual Rate Card'' and ''Proposed Annual Rate Card Approach—Process for Setting the Annual Rate Card.''

[115] These increases would be the first rate increases to any of the three Market Activity Fees since Fiscal Year 2011. As mentioned above, the Transaction Fee was last raised in Fiscal Year 2011 and the Trade Count Fee was initiated in Fiscal Year 2011 as the technology fee. The Underwriting Fee was not changed in Fiscal Year 2011 but was last changed in Fiscal Year 2016, when it was reduced. In addition, the annual and initial fees paid by both dealers and municipal advisory firms were last raised in Fiscal Year 2016.

[116] 15 U.S.C. 78s(b)(3)(A).

[117] 17 CFR 240.19b–4(f).

[118] 15 U.S.C. 78s(b)(3)(A).

[119] 17 CFR 240.19b–4(f)(6).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2022–03 and should be submitted on or before July 6, 2022.

For the Commission, pursuant to delegated authority.[120]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12839 Filed 6–14–22; 8:45 am]

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[120] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95081; File No. SR–BOX–2022–20]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility

June 9, 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 31, 2022, BOX Exchange LLC (''BOX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (''BOX'') options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on June 1, 2022. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently adopted new data products known as the Liquidity Taker Event Report—Simple Orders (the ''Simple Order Report'') and the Liquidity Taker Event Report—Complex Orders (the ''Complex Order Report''), (collectively, the ''Reports'') which will be available for purchase by Exchange Participants[3] on a voluntary basis. The Exchange now proposes to adopt fees for the Reports.[4]

By way of background, the Reports are daily reports that provide a Participant (''Recipient Participant'') with its liquidity response time details for executions of an order resting on the BOX Book or Complex Order Book,[5] where that Recipient Participant attempted to execute against such resting order[6] within a certain timeframe. The purpose of the Reports is to provide Participants the necessary data in a standardized format on a T+1 basis to those that subscribe to the Simple Order Report and/or the Complex Order Report on an equal basis. These products are offered to Participants on a completely voluntary basis in that the Exchange is not required by any rule of regulation to make this data available and potential subscribers may purchase the Simple Order Report and/or the Complex Order Report only if they voluntarily choose to do so. It is a business decision of each Participant whether to subscribe to the Simple Order Report and/or the Complex Order Report or not.

First, the Exchange proposes to rename current Section III.C of the BOX Fee Schedule from ''Open-Close Data Report'' to ''Reports.'' Further, the Exchange proposes to move current Section III.C (Open-Close Data Report) to new Section III.C.1.[7] The Exchange believes that moving current Section III.C. to new Section III.C.1 and renaming Section III.C ''Reports'' will improve the overall readability of the BOX Fee Schedule and help prevent investor confusion because the fees for all market data reports will reside in one place in the BOX Fee Schedule.

Next, the Exchange proposes to adopt new Section III.C.2 (Liquidity Taker Event Reports) in the BOX Fee Schedule. Section III.C.2 will provide that Participants may purchase the Simple Order Report and/or the Complex Order Report on a monthly or annual (12 month) basis. The Exchange proposes to assess a fee of $4,000 per month and a fee of $24,000 per year for a 12 month subscription for the Simple Order Report. The Exchange also proposes to assess a fee of $4,000 per

[3] The term ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to the Rule 2000 Series for purposes of participating in trading on a facility of the Exchange. *See* BOX Rule 100(a)(41).

[4] The Exchange recently established these Reports as described under BOX Rule 7350(b) and (c). *See* Securities Exchange Act Release 34–94563 (March 31, 2022), 87 FR 19985 (April 6, 2022) (Notice of Filing of Immediate Effectiveness of SR–BOX–2022–10). *See* Securities Exchange Act Release 34–94920 (May 16, 2022), 87 FR 31013 (May 20, 2022) (Notice of Filing of Immediate Effectiveness of SR–BOX–2022–18).

[5] The term ''BOX Book'' means the electronic book of orders on each single option series maintained by the BOX Trading Host. *See* BOX Rule 100(a)(10). The term ''Complex Order Book'' means the electronic book of Complex Orders maintained by the BOX Trading Host. *See* BOX Rule 7240(a)(8).

[6] Only displayed orders will be included in the Simple Order Report. The Exchange notes that it does not currently offer any non-displayed order types on its options trading platform.

[7] The Exchange notes that no changes are being made to the Open-Close Data Report fees. The Exchange is simply rearranging the Fee Schedule to account for more market data products being offered by BOX.

month and a fee of $24,000 per year for a 12 month subscription for the Complex Order Report. Participants may cancel their subscription at any time. The Exchange proposes further to specify that for mid-month subscriptions, new subscribers to the Simple Order Report and/or the Complex Order Report will be charged for the full calendar month for which they subscribe and will be provided Simple Order Report and/or Complex Order Report data for each trading day of the calendar month prior to the day on which they subscribed. Additionally, the Exchange proposes to offer a 12 month subscription discount whereby Participants will be charged a discounted fee of $40,000 per year when they purchase 12 month subscriptions to both the Simple Order Report and the Complex Order Report. Participants with an existing 12 month subscription to either the Simple Order Report or the Complex Order Report, but not both, may add a subscription to the Simple Order Report or Complex Order Report during their current 12 month subscription. In such case, the fee for the added Report will be pro-rated for the remainder of the Participant's current 12 month subscription based on the amount of the 12 month subscription discount. Participants would then receive the 12 month subscription discount for subscribing to both Reports on the renewal date of their original subscription if desired.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange also believes that its proposal to adopt fees for the Simple Order Report and the Complex Order Report is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of dues, fees and other charges among its Participants and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Simple Order Report and the Complex Order Report further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Simple Order Report and the Complex Order Report also promote increased transparency through the dissemination of the Simple Order Report and the Complex Order Report. Particularly, the Simple Order Report and the Complex Order Report will benefit investors by facilitating their prompt access to the value-added information that is included in the Simple Order Report and the Complex Order Report. The Simple Order Report and Complex Order Report will allow Participants to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 5.68% of the market share.[11] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently established Simple Order Report and Complex Order Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are similar to fees assessed by another exchange that provides similar data products.[13] The Exchange notes that if market participants viewed the proposed fees discussed herein as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange's offering. As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange's potential report as more attractive, then such market participant can merely choose not to purchase the Exchange's Simple Order Report and Complex Order Report and instead purchase another exchange's similar data product, which may offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes providing an annual subscription for an overall lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Simple Order Report and the Complex Order Report. A lower annual subscription fee would also incentivize Participants to subscribe to the Simple Order Report and the Complex Order Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Simple Order Report and Complex Order Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes that other exchanges provide annual subscriptions for reports concerning their data product offerings.[14]

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] *See* Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (March 18, 2022), available at *https://markets.cboe.com/us/options/market_statistics/*.

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[13] *See* Securities Exchange Act Release 34–94384 (March 9, 2022), 87 FR 14598 (March 15, 2022) (SR–MIAX–2022–11). *See also* Miami International Securities Exchange, LLC (''MIAX'') Fee Schedule, Section 7, Reports. The Exchange notes that the proposed fees are identical to the fees assessed at MIAX. *See also* Securities Exchange Act Release 34–94386 (March 9, 2022), 87 FR 14603 (March 15, 2022) (SR-Emerald-2022–08).

[14] *See* MIAX Fee Schedule, Section 7, Reports. The Exchange also notes that Cboe Exchange, Inc. assesses a $24,000 annual fee for an intra-day subscription to Open-Close Data. *See https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf* .

Another exchange also offers a further 12 month discount for subscribers of both the Simple Order Report and the Complex Order Report which the Exchange proposes to adopt as well. The Exchange is proposing to apply this discount for any period during which a Participant subscribes to both reports and then renews if desired at the discounted rate on the anniversary date of the first subscription. For example, assume ''Participant A'' previously subscribed to the Simple Order Report on September 1, 2021 and paid $24,000 for a 12 month subscription to the Simple Order Report. Participant A's current subscription expires on August 31, 2022 for the Simple Order Report. Before Participant A's subscription to the Simple Order Report expires, Participant A decides to subscribe to the Complex Order Report, beginning March 1, 2022. Rather than being immediately charged $40,000 for the 12 month subscription discount for subscribing to both Reports (Participant A already paid $24,000 upfront for the Simple Order Report 12 month subscription), Participant A would only be charged an additional $8,000 to add the Complex Order Report for the remaining months of Participant A's current 12 month subscription to the Simple Order Report. On September 1, 2022, assuming Participant A decided to keep both Reports, Participant A would then be charged the 12 month discounted rate of $40,000 for both Reports for the next year. The Exchange proposes to determine the pro-rated fee described above as follows: on the date that Participant A wanted to begin subscribing to the Complex Order Report (March 1, 2022), there were six months remaining on Participant A's existing 12 month subscription to the Simple Order Report (March, April, May, June, July and August). The added cost would be calculated as (6 months remaining/12 months total) * ($40,000 discounted annual subscription for both Reports—$24,000 for annual subscription to each Report individually) = $8,000 for remaining 6 months. Beginning September 1, 2022 (the original renewal date for the Simple Order Report), Participant A would then be charged the discounted 12 month subscription rate of $40,000, assuming Participant A renews their subscriptions to both the Simple Order Report and the Complex Order Report.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of new market data products to Participants that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange's Book and Complex Order Book. The Simple Order Report and the Complex Order Report accomplish this by providing those Participants data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book or the Complex Order Book. Participants may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Simple Order Report and Complex Order Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Simple Order Report and Complex Order Report, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.[15] The Exchange therefore believes that the proposed fees for the Simple Order Report and Complex Order Report reflect the competitive environment and would be properly assessed on Participant users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business decision of each Participant that chooses to purchase the Simple Order Report and/or the Complex Order Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Simple Order Report and the Complex Order Report and are set at a modest level that would allow any interested Participant to purchase such data based on their business needs.

The Exchange reiterates that the decision as to whether or not to purchase the Simple Order Report and/or the Complex Order Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Simple Order Report or the Complex Order Report, and the Exchange is not required to make the Simple Order Report or the Complex Order Report available to all investors. It is entirely a business decision of each Participant to subscribe to the Simple Order Report and/or the Complex Order Report. The Exchange will offer the Simple Order Report and the Complex Order Report as a convenience to Participants to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Participant that chooses to subscribe to the Simple Order Report and/or the Complex Order Report may discontinue receiving the Simple Order Report and/or the Complex Order Report at any time if that Participant determines that the information contained in the Simple Order Report and/or the Complex Order Report is no longer useful.

Lastly, the Exchange is also proposing to rename current Section III.C of the BOX Fee Schedule from ''Open-Close Data Report'' to ''Reports,'' and to move current Section III.C (Open-Close Data Report) to new Section III.C.1.[16] The Exchange believes that moving current Section III.C. to new Section III.C.1 and renaming Section III.C ''Reports'' is reasonable as it will improve the overall readability of the BOX Fee Schedule and help prevent investor confusion because the fees for all market data reports will reside in one place in the BOX Fee Schedule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange will make the Simple Order Report and the Complex Order Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data products will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the Simple Order Report and the Complex Order Report is constrained by competition among exchanges who choose to adopt a similar product. The

[15] *See supra* note 13.

[16] The Exchange notes that no changes are being made to the Open-Close Data Report fees. The Exchange is simply rearranging the Fee Schedule to account for more market data products being offered by BOX.

Exchange must consider this in its pricing discipline in order to competitively offer market data products. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's data products, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Simple Order Report and/or the Complex Order Report. The proposed fees are set at a modest level that would allow any interested Participant to purchase such data based on their business needs.

The Exchange also believes providing a 12 month discounted fee for subscribers of both the Simple Order Report and the Complex Order Report is equitable and reasonable because it would enable the Exchange to gauge long-term interest in both Reports. The Exchange believes that a lower annual combined subscription fee may incentivize Participants to subscribe to both Reports on a long-term basis, thereby allowing the Exchange to better gauge demand for both Reports over a longer period of time. Doing so will enable the Exchange to better predict the future demand for both Reports. This will allow the Exchange to better prepare and adjust resources for the production and delivery of both Reports to Participants, improving the efficiency by which the Exchange may deliver both Reports over a prolonged and set period of time. The Exchange also believes that it is reasonable, equitable and not unfairly discriminatory to offer a 12 month discounted fee for Participants that subscribe to both Reports because all Participants may subscribe to both Reports and receive the discounted rate.

Lastly, the Exchange does not believe that the proposed change to rename current Section III.C of the BOX Fee Schedule from ''Open-Close Data Report'' to ''Reports,'' and to move current Section III.C (Open-Close Data Report) to new Section III.C.1 will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposed clarifying change has no competitive purpose and is only intended to improve the overall readability of the BOX Fee Schedule and help prevent investor confusion by including the fees for all market data reports in one place in the BOX Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [17] and Rule 19b–4(f)(2) thereunder,[18] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2022–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2022–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2022–20, and should be submitted on or before July 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12844 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95079; File No. SR–FICC–2022–004]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

June 9, 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 26, 2022, Fixed Income Clearing Corporation (''FICC'') filed with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to (1) the Clearing Agency Stress Testing Framework (Market Risk) (''ST Framework'') and the Clearing Agency Liquidity Risk Management Framework (''LRM Framework,'' and, together with the ST Framework, the ''Frameworks'') of FICC and its affiliates, The Depository Trust Company (''DTC'') and National Securities Clearing Corporation (''NSCC,'' and together with FICC and DTC, the ''Clearing Agencies''), and (2) the Clearing Rules of the Mortgage-Backed Securities Division of FICC (''MBSD''), as described below.

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the stress scenarios used for liquidity risk management, such that all such stress scenarios are described as either regulatory or informational scenarios.

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for the Government Securities Division of FICC (''GSD'') to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

Finally, the proposed changes would amend the Clearing Rules of MBSD (''MBSD Rules'') to remove disclosures regarding the stress testing program, which would be described in the ST Framework, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Clearing Agencies adopted the ST Framework to set forth the manner in which they identify, measure, monitor, and manage their respective credit exposures to participants and those arising from their respective payment, clearing, and settlement processes by, for example, maintaining sufficient prefunded financial resources to cover its credit exposures to each participant fully with a high degree of confidence and testing the sufficiency of those prefunded financial resources through stress testing.[3] In this way, the ST Framework describes the stress testing activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(4).[4]

The Clearing Agencies adopted the LRM Framework to set forth the manner in which they measure, monitor and manage the liquidity risks that arise in or are borne by each of the Clearing Agencies by, for example, (1) maintaining sufficient liquid resources to effect same-day settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the Clearing Agency in extreme but plausible market conditions, and (2) determining the amount and regularly testing the sufficiency of qualifying liquid resources by conducting stress testing of those resources.[5] In this way, the LRM Framework describes the liquidity risk management activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(7).[6]

The Clearing Agencies currently utilize vendor-supplied data in various aspects of the stress testing program for DTC, NSCC and MBSD. In 2020, in connection with enhancing stress testing for MBSD to utilize vendor-supplied data, FICC adopted changes to the MBSD Rules to describe the key components of the stress testing program.[7] These disclosures are redundant of the descriptions of stress testing in the ST Framework and create a potential risk of having inconsistent statements regarding the Clearing Agencies' stress testing program.

The Clearing Agencies are proposing changes to the Frameworks and the MBSD Rules, described below, that would (1) enhance GSD stress testing, (2) reorganize, update and clarify the statements and descriptions already set forth in the Frameworks and (3) move all descriptions of stress testing to the ST Framework. While the proposal would include certain enhancements to the GSD stress testing, the Clearing Agencies are not proposing any material changes to how they conduct stress testing, manage credit exposures and liquidity risks, or otherwise comply with the requirements of Rules 17Ad–22(e)(4) and (7).[8]

First, the proposed rule change would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[9] from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the liquidity stress scenarios by removing the Level 1, Level 2 and Level 3 labels and instead categorizing all stress scenarios as either regulatory or informational. As described in greater detail below, this proposed change is a change only to the categorization of these stress scenarios and is not a change to how the Clearing Agencies conduct liquidity stress testing

[3] Securities Exchange Act Release No. 82368 (December 19, 2017), 82 FR 61082 (December 26, 2017) (SR–DTC–2017–005; SR–FICC–2017–009; SR–NSCC–2017–006) (''Initial ST Framework Filing'').

[4] 17 CFR 240.17Ad–22(e)(4).

[5] Securities Exchange Act Release Nos. 82377 (December 21, 2017), 82 FR 61617 (December 28, 2017) (File Nos. SR–DTC–2017–004; SR–FICC–2017–008; SR–NSCC–2017–005) (''Initial LRM Framework Filing'').

[6] 17 CFR 240.17Ad–22(e)(7).

[7] *See* Securities Exchange Act Release No. 88382 (March 13, 2020), 85 FR 15830 (March 19, 2020) (SR–FICC–2020–801) (''MBSD Stress Testing Filing'').

[8] 17 CFR 240.17Ad–22(e)(4) and (7).

[9] 17 CFR 240.17Ad–22(e)(7)(vi).

or otherwise meet the requirements of Rule 17Ad–22(e)(7)(vi)(A).[10]

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

Finally, the proposed changes would amend the MBSD Rules to remove disclosures regarding the stress testing program, as further described below.

i. Proposed Amendments To Move Activities Related to Stress Testing Qualifying Liquid Resources From the LRM Framework to the ST Framework

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[11] from the LRM Framework to the ST Framework. These activities are primarily performed by the Stress Testing Team within the Group Chief Risk Office of DTCC (''GCRO''), which includes members of the Market Risk Management and the Liquidity Risk Management groups within the GCRO.[12] The Stress Testing Team, which was previously responsible for stress testing the Clearing Agencies' prefunded financial resources, as part of the market risk management function, took over stress testing of the Clearing Agencies liquidity resources related to liquidity risk management in order to centralize stress testing activities and related responsibilities under one team. By moving the description of the Clearing Agencies' liquidity stress testing activities into the ST Framework, the proposed change would create a clearer, simpler description of the Clearing Agencies' collective stress testing activities in one document and would reflect the consolidation of these activities under the Stress Testing Team.

In order to implement this proposed change, a number of drafting changes are being proposed to both the ST Framework and the LRM Framework. First, Section 1 (Executive Summary) and Section 4 (Liquidity Risk Management Regulatory Requirements) of the LRM Framework would be amended to make clear that compliance with the requirements of Rule 17Ad–22(e)(7)(vi) are not addressed in that document, and are addressed in the ST Framework. Section 2 (Glossary of Key Terms) of the LRM Framework would also be amended to include definitions of ''Clearing Agency Stress Testing Framework'' and the ''Stress Testing Team,'' and to remove the definition of the Enterprise Stress Testing Council, which is an internal forum that addresses stress testing matters. Finally, Section 6 (Liquidity Risk Management) of the LRM Framework would be amended to describe at a high-level the activities related to stress testing of the Clearing Agencies' qualifying liquid resources and to state that these activities are described in greater detail in the ST Framework.

The proposed change would also require revisions throughout the ST Framework to include descriptions of liquidity stress testing activities that support the Clearing Agencies' compliance with the requirements of Rule 17Ad–22(e)(7)(vi) within the existing sections of the ST Framework. These proposed changes would include revisions to Section 1 (Executive Summary) of the ST Framework to clarify that stress testing related to liquidity risk management is described in this document, and revisions to Section 2 (Glossary of Key Terms) to include definitions related to these activities. These definitions would include the Liquidity Risk Management group within GCRO and a Clearing Agency Liquidity Risk Management Framework. Section 4 of the ST Framework would be renamed ''Stress Testing Requirements'' and would be amended to make clearer which requirements in Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, and to identify the documents where the requirements not addressed in the ST Framework are addressed.

The proposed changes to the ST Framework would create a new Section 6, which would be named ''Qualifying Liquid Resources—Liquidity Risk Management,'' to describe at a high-level how each of the Clearing Agencies determine the amount and regularly test the sufficiency of their respective qualifying liquid resources. This new section would include language that is substantially identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework.

The new Section 7 (Stress Testing Methodologies) (previously numbered Section 6) of the ST Framework would be updated to include descriptions of the methodologies used in liquidity stress testing. Such methodologies would not change substantively, and the language used in the revisions to this section would be substantively identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework. As described in greater detail below, the Clearing Agencies are proposing to revise the categorization of the liquidity stress scenarios, and those revisions would be reflected in this Section 7 of the ST Framework.

Finally, the new Section 8 of the ST Framework (previously numbered Section 7), which would be renamed ''Stress Testing Governance and Escalation Procedures,'' would be amended to include matters related to liquidity stress testing. More specifically, the new Section 8.1 would address governance and oversight of stress testing, which is set forth in a number of internal documents, and overseen by a stress testing committee, the Management Risk Committee and the Risk Committee of the Board of Directors of the Clearing Agencies. The new Section 8.2 would describe the daily monitoring for threshold breaches and liquidity shortfalls, and the escalations and actions that would follow those breaches. More specifically, the Clearing Agencies monitor for breaches of a ''Cover One Ratio,'' which is defined as the ratio of a family of affiliated Members' deficiency over the total value of the applicable Clearing Agencies' Clearing Fund or Participants Fund, excluding the sum value of the applicable family's required deposit to the Clearing Fund or Participants Fund, as applicable. With respect to liquidity stress testing, the Clearing Agencies monitor daily for liquidity shortfalls, which trigger a series of escalations and remediation actions, which would be identified in this new Section 8.2.

The new Section 8.3 would address comprehensive analyses of stress scenarios, which occur on at least a monthly basis and are designed to comply with the requirements of Rules

[10] 17 CFR 240.17Ad–22(e)(7)(vi)(A).

[11] 17 CFR 240.17Ad–22(e)(7)(vi).

[12] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies and its other subsidiaries. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a subsidiary, including the Clearing Agencies.

17Ad–22(e)(4)(vi)(B) and (C), and (7)(vi)(B) and (C). These analyses include (1) daily stress testing results, model parameters, model assumptions, and model performance, and (2) each stress scenario set for its comprehensiveness and relevance, including any changes or updates to such scenarios for the period. The new Section 8.4 would address the escalations and reporting of the monthly analyses of stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D). Finally, the new Section 8.5 would address the regular escalation of the results of stress testing, including any concerns related to those results, which are also designed to comply with Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D).

Each of these subsections would address stress testing related to market risk, using language that is currently in the ST Framework, and would include language to address liquidity stress testing that would be substantially similar to the language removed from the LRM Framework. Revisions to the language removed from the LRM Framework would be primarily drafting revisions, as the Clearing Agencies are not proposing changes to how they conduct liquidity stress testing.

ii. Proposed Amendments To Re-Categorize the Stress Scenarios Used for Liquidity Stress Testing

In connection with the changes described above, the proposed amendments would also reflect the recategorization of liquidity stress scenarios. Previously, liquidity stress scenarios were categorized as Level 1, 2 and 3 scenarios. Level 1 scenarios described qualifying liquid resources under normal market conditions and were considered ''baseline'' scenarios. Level 2 scenarios assumed a wide range of foreseeable stress scenarios that included, but were not limited to, the default of the family of affiliated Members that would generate the largest aggregate payment obligation for each Clearing Agency in extreme but plausible market conditions. These scenarios were designed to identify the qualifying liquid resources each Clearing Agency should maintain to meet compliance with Rule 17Ad–22(e)(7)(i). Finally, the Level 3 scenarios were divided into either (1) regulatory scenarios, which were designed to meet the requirements of Rule 17Ad–22(e)(7)(vi)(A), and (2) informational scenarios, which were designed to be performed for informational and monitoring purposes using stress scenarios that exceed the requirements of Rule 17Ad–22(e)(7)(vi)(A).

While the Clearing Agencies continue to maintain a wide range of stress scenarios that are designed to comply with the requirements of Rules 17Ad–22(e)(7), in order to simplify the descriptions of its liquidity stress scenarios and align them with the categorization of market risk stress scenarios, the Clearing Agencies have re-categorized the liquidity stress scenarios and eliminated the Level 1, Level 2 and Level 3 categories. Instead, all stress scenarios would be described in Section 6 of the ST Framework as being either (1) regulatory stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(i) and (vi)(A), and Rules 17Ad–22(e)(7)(i) and (vi)(A); or (2) informational stress scenarios, which may utilize parameters and assumptions that exceed the requirements of Rules 17Ad–22(e)(4)(vi)(A) and (7)(vi)(A) and are utilized for informational, analytical and/or monitoring purposes only.

iii. Proposed Amendments to the ST Framework

The proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

1. Enhance GSD Stress Testing To Use Vendor-Sourced Data

First, the proposed changes would enhance GSD stress testing to utilize vendor-supplied historical risk factor time series data (''Historical Data'') and vendor-supplied security-level risk sensitivity data (''Security-Level Data'') in the stress testing program. This proposed enhancement would be similar to the approach utilized in MBSD stress testing.[13]

The vendor-sourced Historical Data would include data regarding (1) interest rate, (2) implied inflation rate, (3) agency spread, (4) mortgage option adjusted spread, (5) interest rate volatility, and (6) mortgage basis. The vendor-sourced Security-Level Data would include data regarding (1) sensitivity to interest rates, (2) implied inflation rate, (3) agency spread, (4) convexity, (5) sensitivity to mortgage option adjusted spread, (6) sensitivity to interest rate volatility, and (7) sensitivity to mortgage basis. FICC currently utilizes the Historical Data and Security-Level Data in GSD's value-at-risk (''VaR'') model, which calculates the VaR Charge component of GSD's Clearing Fund (referred to in the GSD Rulebook as Required Fund Deposit).[14] FICC would use this same data set in GSD's stress testing program.

As described in greater detail in the ST Framework,[15] stress testing involves three key components: (1) risk identification, (2) scenario development, which involves the construction of comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios; and (3) risk measurement and aggregation, in which risk metrics are calculated to estimate the profits and losses in connection with the hypothetical close out of a participant's portfolio in certain stress scenarios.

FICC would utilize the vendor-sourced data in the development of historical stress scenarios and in the risk measurement and aggregation process of the GSD stress testing program. More specifically, the Historical Data would be used to identify the largest historical changes of risk factors that influence the pricing of product cleared by GSD, in connection with the development of stress scenarios. The vendor-sourced Historical Data would identify stress risk exposures under broader and more varied market conditions than the data currently available to FICC.

FICC would utilize both the Historical Data and the Security-Level Data in the risk measurement and aggregation process of stress testing. FICC believes that the vendor-sourced Security-Level Data is more stable and robust than the data currently utilized by FICC for GSD stress testing. Because the stress profits and losses calculation that occur in connection with the risk measurement and aggregation process in stress testing would include Security-Level Data, FICC believes that the calculated results would be improved and would reflect results that are closer to actual price changes for government securities during larger market moves which are typical of stress testing scenarios.

Finally, the proposed changes to enhance GSD stress testing would also

[13] *See supra* note 7.

[14] GSD Rulebook, *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf.*

[15] These key components of stress testing are also described in the Initial ST Framework Filing. *See supra* note 3.

implement a back-up calculation that GSD would utilize in the event that the vendor fails to provide such data to GSD. Specifically, if the vendor fails to provide any data or a significant portion of data in accordance with the timeframes agreed to by FICC and the vendor, FICC would use the most recently available data on the first day that such disruption occurs in its stress testing calculations. Subject to discussions with the vendor, if FICC determines that the vendor would resume providing data within five (5) Business Days, FICC would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the back-up calculation (as described below) should be invoked. Subject to discussions with the vendor, if FICC determines that the data disruption would extend beyond five (5) Business Days, the back-up calculation would be employed for daily stress testing, subject to appropriate internal governance.

The proposed back-up calculation would include the following calculations: (1) calculate each Netting Member's portfolio net exposures, (2) calculate the historical stress return, and (3) calculate each Netting Member's stress profits and losses. FICC would use publicly available indices as the data source for the stress return calculations. This calculation would be referred to as the Back-up Stress Testing Calculation in the ST Framework.

The Clearing Agencies would describe the use of vendor-sourced data in stress testing for GSD and MBSD and the Back-up Stress Testing Calculation, as described above, in a new Section 7.1 of the ST Framework.

2. Identify the Stress Testing Team as Responsible for Stress Testing

As described above, stress testing for the Clearing Agencies is primarily performed by the Stress Testing Team, which includes members of both Market Risk Management and Liquidity Risk Management of DTCC within GCRO. The Stress Testing Team took over stress testing responsibilities related to liquidity risk management in late 2019 to centralize stress testing and related responsibilities under one team.

Therefore, the Clearing Agencies are proposing to include a general statement in Section 1 (Executive Summary) of the ST Framework that, unless otherwise specified, actions in the ST Framework related to stress testing are performed by the Stress Testing Team. The proposed changes would also amend Section 3 (Framework Ownership and Change Management) of the ST Framework to make it clear that the Stress Testing Team owns and manages the ST Framework and is responsible for reviewing the ST Framework no less frequently than annually.

In connection with this proposed change, the ST Framework would also be updated to describe actions related to stress testing without specifically identifying the group responsible for those actions. These proposed changes would simplify the descriptions in the ST Framework, while clarifying the team responsible for conducting these actions in a general statement in the ST Framework.

3. Update and Clarify the ST Framework

Finally, the proposed changes would also make immaterial revisions to update and clarify the ST Framework. For example, the proposed changes would update the names of certain documents that support the ST Framework to refer to the Clearing Agencies, rather than DTCC, in the document titles. These documents were renamed to conform to internal document naming conventions. The proposed changes would also amend Section 2 (Glossary of Key Terms) of the ST Framework to clarify and simplify the use of certain key terms. For example, the proposed changes would move the definitions of ''Members'' and ''Participants'' from a footnote in Section 4 to this Section 2, and would update the definition of ''BRC,'' which refers to the Risk Committee of the Boards of Directors of the Clearing Agency, to be more descriptive.

The proposed amendments would update Section 4 (Stress Testing Requirements) of the ST Framework to (1) more clearly state which requirements under Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, (2) identify the separate documents that describe the requirements that are not addressed in the ST Framework, and (3) identify the requirements that are not applicable to the Clearing Agencies and, therefore, not described in any document.

Finally, the proposed change would also revise the description of reverse stress testing to more clearly describe the goal and purpose of this testing.[16] Specifically, reverse stress testing is used to identify tail risks by using extreme stress scenarios. In this way, reverse stress testing, which is conducting semi-annually, can be used to inform regular stress testing activities. The proposed changes would provide more transparency into the purpose of reverse stress testing conducted by the Clearing Agencies.

None of these proposed changes would make substantive revisions to the ST Framework or reflect material changes to how the Clearing Agencies conduct the activities described in the ST Framework but would update and clarify those descriptions.

iv. Proposed Amendments To Update and Clarify the LRM Framework

In addition to removing descriptions of stress testing activities from the LRM Framework, the proposed changes would also make immaterial revisions to update and clarify the LRM Framework. For example, the proposed changes would update the name of the team within the GCRO that is responsible for liquidity risk management from the Liquidity Product Risk Unit, or LPRU, to Liquidity Risk Management. This proposed change would reflect a recent organizational change to the name of this group.

Additionally, the proposed changes would update Section 10 (Liquidity Risk Tolerances) of the LRM Framework to state that an officer in Liquidity Risk Management is responsible for reviewing the Liquidity Risk Tolerance Statement.[17] The LRM Framework currently identifies the specific title of the individual who is responsible for reviewing the Liquidity Risk Tolerance Statement on at least an annual basis. The proposed change would provide the Clearing Agencies with flexibility to change the title of the person responsible for this review.

v. Proposed Amendments to MBSD Rules To Remove Stress Testing Descriptions

Finally, the proposed rule change would remove descriptions of stress testing from the MBSD Rules, which would be duplicative of statements added to the ST Framework, described above. The Clearing Agencies do not believe that it is necessary to describe its stress testing program in multiple places in its rules, and that duplicative disclosures create a risk of inconsistencies. The ST Framework was designed to, among other things, describe the manner in which the Clearing Agencies test the sufficiency of their respective prefunded financial resources through stress testing and,

[16] Tail risk generally refers to risks of outcomes that are caused by extreme or rare events.

[17] The Liquidity Risk Tolerance Statement is liquidity risk management control that, among other things, (1) defines liquidity risk and describes how liquidity risk would materialize for each Clearing Agency specifically, (2) sets forth how liquidity risk is monitored by the Clearing Agencies, and (3) describes the various risk tolerance levels and thresholds for each the Clearing Agency.

therefore, the Clearing Agencies believe this is the appropriate rule for these disclosures.

As such, the proposed change would remove the duplicative descriptions of the MBSD stress testing program from the MBSD Rules by deleting the definition of ''Back-up Stress Testing Calculation'' from MBSD Rule 1 and Section 13 of MBSD Rule 4. As described above, the matters being removed from the MBSD Rules in this proposal would be addressed in the ST Framework.

vi. Implementation Timeframe

Subject to approval by the Commission, the proposal to enhance GSD stress testing to use vendor-sourced data and the proposal to remove descriptions of stress testing from the MBSD Rules would be implemented no later than November 30, 2022. The remaining proposals would be implemented upon approval by the Commission.

2. Statutory Basis

The Clearing Agencies believe that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the proposed changes are consistent with Section 17A(b)(3)(F) of the Act,[18] and Rule 17Ad–22(e)(4) under the Act,[19] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency 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, for the reasons described below.[20] As described above, the proposed changes would (1) amend both the ST Framework and the LRM Framework to move the descriptions of liquidity stress testing from the LRM Framework to the ST Framework; (2) simplify the categorization of the liquidity stress scenarios; (3) amend the ST Framework to reflect that the Stress Testing Team is primarily responsible for stress testing activities; (4) update and clarify descriptions within the ST Framework; and (5) update and clarify descriptions within the LRM Framework, as described above.

The ST Framework currently describes how each of the Clearing Agencies carry out a market risk management strategy to maintain sufficient prefunded financial resources to cover fully its exposures to each participant fully with a high degree of confidence. As such, the market risk management strategy of the Clearing Agencies addresses their respective market risk exposures and allows them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding those risks.

The LRM Framework describes how each of the Clearing Agencies carry out its liquidity risk management strategy such that, with respect to FICC and NSCC, they maintain liquid resources sufficient to meet the potential amount of funding required to settle outstanding transactions of a defaulting participant or family of affiliated participants in a timely manner, and with respect to DTC, it maintains sufficient available liquid resources to complete system-wide settlement on each business day, with a high degree of confidence and notwithstanding the failure to settle of the participant or affiliated family of participants with the largest settlement obligation. As such, the Clearing Agencies' liquidity risk management strategies address the Clearing Agencies' maintenance of sufficient liquid resources, which allow them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the default of a participant or family of affiliated participants.

The proposed changes to reorganize the Frameworks, simplify the categorization of stress scenarios, and make other updates to improve the clarity and accuracy of the descriptions within the Frameworks, as described in this filing, would assist the Clearing Agencies in carrying out their stress testing and liquidity risk management functions. Therefore, the Clearing Agencies believe the proposed changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[21]

The proposal to enhance the GSD stress testing to utilize vendor-sourced data and implement a back-up stress testing calculation is designed to be consistent with Rule 17Ad–22(e)(4) under the Act, which requires, in part, that a covered clearing agency 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 arising from its payment, clearing, and settlement processes.[22] Rule 17Ad–22(e)(4)(i) under the Act requires that a covered clearing agency maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[23]

FICC believes that the proposal to utilize Historical Data in the development of historical stress scenarios would incorporate a broad range of risk factors that enables GSD's model to better understand a Member's exposure to these risk factors. FICC also believes that the proposal to utilize Historical Data and Security-Level Data in the calculation of stress profits and losses for Members' portfolios would provide for calculated amounts that are closer to actual price changes for securities cleared at GSD during larger market moves in an effort to test the adequacy of GSD's prefunded resources. Lastly, FICC believes that the proposal to use a back-up calculation would help to ensure that FICC has a methodology in place that allows it to continue to measure the adequacy of GSD's prefunded financial resources in the event that the vendor fails to provide data. For these reasons, FICC believes that the proposed changes to utilize the vendor-sourced Historical Data and Security-Level Data in GSD stress testing would improve GSD's stress testing program, which is used to test the sufficiency of GSD's prefunded resources daily to support compliance with Rule 17Ad–22(e)(4)(i).

Furthermore, the proposal to adopt a back-up stress testing calculation in circumstances when the vendor-sourced data is unavailable would support GSD's stress testing program by ensuring that the program utilizes a predetermined calculation in the event of a disruption to its data source.

As such, FICC believes that these proposed changes are designed to be consistent with the requirements of Rule 17Ad–22(e)(4)(i) under the Act.[24]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed changes to the Frameworks described above would have any impact, or impose any burden,

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17Ad–22(e)(4).

[20] *Id.*

[21] *Id.*

[22] 17 CFR 240.17Ad–22(e)(4).

[23] 17 CFR 240.17Ad–22(e)(4)(i).

[24] *Id.*

on competition. As described above, the proposed changes would reorganize the Frameworks to improve the clarity regarding the Clearing Agencies' stress testing activities and would make other updates and enhancements that would improve the clarity and accuracy of the descriptions of the Clearing Agencies' stress testing and liquidity risk management functions. Therefore, the proposed changes are technical and non-material in nature, relating mostly to the operation of the Frameworks rather than the risk management functions described therein.

Further, the proposed changes to enhance GSD stress testing to utilize vendor-sourced data and establish a back-up stress testing calculation would not have any impact, or impose any burden, on competition because this proposal does not affect the respective rights or obligations of Members that utilize GSD's services.

As such, the Clearing Agencies do not believe that the proposed rule changes would have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the SEC's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FICC–2022–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2022–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2022–004 and should be submitted on or before July 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12842 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95077; File No. SR–Phlx–2022–25]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 4A, Section 12, Terms of Index Options Contracts

June 9, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 6, 2022, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain rule text within Options 4A, Section 12, Terms of Index Options Contracts, related to the listing of options on the Nasdaq-100® Volatility Index.

The Exchange also proposes to amend the Short Term Option Series Program within Options 4A, Section 12(b)(4).

The text of the proposed rule change is available on the Exchange's website at

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

https://listingcenter.nasdaq.com/rulebook/phlx/rules, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain rule text within Options 4A, Section 12, Terms of Index Options Contracts, related to the listing of options on the Nasdaq-100® Volatility Index (''VOLQ''). The Exchange also proposes to amend the Short Term Option Series Program within Options 4A, Section 12(b)(4). The changes are described below.

VOLQ

In 2021, Phlx received approval [3] to list and trade options on VOLQ. Phlx subsequently received approval [4] to amend the calculation of its final settlement price for options on VOLQ. Phlx has issued an Options Trader Alert announcing the launch of VOLQ on June 14, 2022.[5]

Background

VOLQ is a new options index product that would enable retail and institutional investors to manage volatility versus price risk. This index will measure ''at-the-money'' volatility, a precise measure of volatility used by investors. Unlike other indexes, this proposed novel product isolates at-the-money volatility for precise trading and hedging strategies. This product will provide investors information on volatility index returns by allowing them to observe increases and decreases of the Volatility Index. Specifically, VOLQ options will measure changes in 30-day implied volatility of the Nasdaq-100 Index (commonly known as and referred to by its ticker symbol, NDX). Options on the Volatility Index will be cash-settled and will have European-style exercise provisions.

Minimum Increments

The Exchange will list VOLQ options with standard minimum increments of $0.05 for options trading below $3.00 and $0.10 for all other series pursuant to Options 3, Section 3(a).[6] The minimum increments for VOLQ options were set forth in the VOLQ Options Original Filing which stated, ''The Exchange proposes to utilize nickel and dime increments for trading the Volatility Index options. The Exchange believes that these trading increments will enable traders to make the most effective use of the product for trading and hedging purposes.'' [7] Similarly, the VOLQ Options Approval Order provided, ''All options on the Volatility Index will have a minimum increment of $0.05 for options trading below $3.00 and $0.10 for all other series.'' [8]

The Exhibit 5 attached to the VOLQ Options Original Filing inadvertently noted that VOLQ options would be traded in $.01 increments.[9] At this time, the Exchange proposes to remove the rule text within Supplementary Material .04 of Options 3, Section 3. The rule text is inconsistent with the VOLQ Options Original Filing and the VOLQ Options Approval. Removing the rule text would avoid confusion since the standard minimum increments specified within Options 3, Section 3(a) would apply. No other change is required to Options 3, Section 3 with respect to VOLQ options.

Closing Settlement Period

Phlx noted in the VOLQ Options Original Filing and the Amendment to VOLQ Options that,

> [t]he Closing VWAP shall be determined by reference to the prices and sizes of executed orders or quotes in the thirty-two underlying Nasdaq-100® index (''NDX'') component options on Phlx, Nasdaq ISE, LLC and Nasdaq GEMX, LLC markets. Executed orders shall include simple orders and complex orders (excluding out-of-sequence and late trades), however, individual leg executions of a complex order will only be included if the executed price of the leg is at or within the NBBO. The following process is used to calculate the Closing VWAP of the VOLQ options. At the end of individual one-second time observations during a 300 second period of time (the ''Closing Settlement Period'') commencing at 9:32:010 on the expiration day (or 2.01 minutes after the open of trading in the event trading does not commence at 9:30:000 a.m. ET), and continuing each second for the next 300 seconds, the number of contracts traded at each price during the observation period is multiplied by that price to yield a Reference Number.
>
> * * * * *
>
> In the event of a trading halt in one or more options, excluding a halt in all Nasdaq-100 index options, prior to the completion of the Closing Settlement Period, the Exchange would continue to look back for a One Second VWAP prior to looking forward. In the event of a trading halt in all Nasdaq-100 index options, the Exchange would commence the calculation of the settlement window beginning 2:00:01 minutes after the re-opening of trading and publish that value on its website. In this scenario, the Exchange would not look back prior to the trading halt.

At this time, Phlx proposes to amend the formatting of the timeframes for the Closing Settlement Period. The Exchange proposes to revise the references to ''9:32:010'' and ''9:30:000'' to instead state ''9:32:01'' and ''9:30:00,'' respectively. Representing the minutes as two decimals will avoid confusion as to the time intended. Additionally, the Exchange proposes to revise references to ''2.01'' and ''2.00.01'' to instead state ''two minutes and one second'' for clarity. These amendments are intended to conform the rule text and bring clarity to the timeframes.

Short Term Option Series Program

In 2013, Phlx amended the Short Term Option Series Program for equity options within Rule 1012 (currently Options 4, Section 5) to change the number of currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date from thirty

[3] *See* Securities Exchange Act Release No. 91781 (May 5, 2021), 86 FR 25918 (May 11, 2021) (SR–Phlx–2020–41) (Notice of Filing of Amendment Nos. 1 and 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To List and Trade Options on a Nasdaq-100 Volatility Index) (''VOLQ Options Approval Order'').

[4] *See* Securities Exchange Act Release No. 93628 (November 19, 2021), 86 FR 67555 (November 26, 2021) (SR–Phlx–2021–56) (Order Approving a Proposed Rule Change To Amend Options 4A, Section 12 Regarding the Calculation of the Closing Volume Weighted Average Price for Options on the Nasdaq-100 Volatility Index in Certain Circumstances) (''Amendment to VOLQ Options'').

[5] *See* Options Trader Alert #2022–16 (*http://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2022–16*).

[6] Phlx Options 3, Section 3(a) provides, ''Except as provided in Supplementary Material to Options 3, Section 3 below, all options on stocks, index options, and Exchange Traded Fund Shares trading at a price of $3.00 or higher shall have a minimum increment of $.10, and all options on stocks and index options trading at a price under $3.00 shall have a minimum increment of $.05.''

[7] *See* Securities Exchange Act Release No. 89725 (September 1, 2020), 85 FR 55544 at 55549 (September 8, 2020) (SR–Phlx–2020–41) (Notice of Filing of Proposed Rule Change To List and Trade Options on a Nasdaq–100® Volatility Index) (''VOLQ Options Original Filing'').

[8] *See* VOLQ Options Approval Order at 25920.

[9] *See* VOLQ Options Original Filing at Exhibit 5, ''.04 All Nasdaq-100® Volatility Index Options shall have a minimum increment of $.01.''

to fifty options classes.[10] Further, Phlx also amended the number of Short Term Option Series that the Exchange may open for each expiration date in that class from twenty to thirty.[11] At that time, the Exchange neglected to update the index options rules to make similar changes to the Short Term Option Series Program given that the amount of options classes that may participate in the Short Term Option Series Program is aggregated between equity options and index options and is not apportioned between equity and index options.

Today, Options 4A, Section 12(b)(4) provides,

> The Exchange may select up to thirty (30) currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date. In addition to the thirty-option class restriction, the Exchange also may list Short Term Option Series on any option classes that are selected by other securities exchanges that employ a similar program under their respective rules. For each index option class eligible for participation in the Short Term Option Series Program, the Exchange may open up to twenty (20) Short Term Option Series on index options for each expiration date in that class. The Exchange may also open Short Term Option Series that are opened by other securities exchanges in option classes selected by such exchanges under their respective short term option rules.

At this time, the Exchange proposes to amend Options 4A, Section 12(b)(4) to increase the number of currently listed options classes on which Short Term Option Series may be opened on any Short Term Option Opening Date from thirty to fifty options classes for index options. Additionally, the Exchange proposes to amend the number of Short Term Option Series the Exchange may open on index options for each expiration date in that class from twenty to thirty. These amendments would align the limitations within Options 4A, Section 12(b)(4) with those currently within Supplementary .03(a) to Options 4, Section 5.

As noted above, this amendment will not result in a greater number of listings in the Short Term Option Series Program because the amount of options classes that may participate in the Short Term Option Series Program is aggregated between equity options and index options and is not apportioned between equity and index options. Amending Options 4A, Section 12(b)(4) to conform to the limitations provided within Supplementary .03(a) to Options 4, Section 5 will avoid confusion by making clear the aggregate limitations within equity and index options for listing Short Term Option Series. Today, Cboe has similar limitations within its equity and index Short Term Option Series Program.[12]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Removing inadvertent rule text describing minimum increments is consistent with the Act and will avoid confusion. The minimum increments for VOLQ options were set forth in the VOLQ Options Original Filing and the VOLQ Options Approval. The standard minimum increments specified within Options 3, Section 3(a) would apply to VOLQ options.

Amending the formatting of the timeframes for the Closing Settlement Period is consistent with the Act. The proposed amendments to the timeframes will conform the rule text and bring clarity to the rule.

In 2013, Phlx amended the Short Term Option Series Program for equity options within Rule 1012 (currently Options 4, Section 5) to change the number of currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date from thirty to fifty options classes.[15] Further, Phlx also amended the number of Short Term Option Series that the Exchange may open for each expiration date in that class from twenty to thirty.[16] At that time, the Exchange neglected to update the index options rules to make similar changes to the Short Term Option Series Program given that the amount of options classes that may participate in the Short Term Option Series Program is aggregated between equity options and index options and is not apportioned between equity and index options. Amending Options 4A, Section 12(b)(4) to conform to the limitations provided within Supplementary .03(a) to Options 4, Section 5 will avoid confusion by making clear the aggregate limitations within equity and index options for listing Short Term Option Series. Also, aligning the limitations within Options 4A, Section 12(b)(4) with those currently within Supplementary .03(a) to Options 4, Section 5 will not result in a greater number of listings in the Short Term Option Series Program because the amount of options classes that may participate in the Short Term Option Series Program is aggregated between equity options and index options and is not apportioned between equity and index options. Today, Cboe has similar limitations within its equity and index Short Term Option Series Program.[17]

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Removing inadvertent rule text describing minimum increments does not impose an undue burden on competition because it will avoid confusion for investors.

Amending the formatting of the timeframes for the Closing Settlement Period does not impose an undue burden on competition, rather the amendment will conform the rule text and bring clarity to the rule.

Finally, amending Options 4A, Section 12(b)(4) to conform to the limitations provided within Supplementary .03(a) to Options 4, Section 5 will avoid confusion by making clear the aggregate limitations within equity and index options for listing Short Term Option Series. Also, aligning the limitations within Options 4A, Section 12(b)(4) with those currently within Supplementary .03(a) to Options 4, Section 5 will not result in a greater number of listings in the Short Term Option Series Program because the amount of options classes that may participate in the Short Term Option Series Program is aggregated between equity options and index options and is not apportioned between equity and index options. Today, Cboe has similar limitations within its equity and index Short Term Option Series Program.[18]

[10] *See* Securities Exchange Act Release Nos. 70682 (October 15, 2013), 78 FR 62809 (October 22, 2013) (SR–Phlx–2013–101) (Notice of Filing of Proposed Rule Change Regarding the Short Term Option Series Program); and 71004 (December 6, 2013), 78 FR 75437 (December 11, 2013) (SR–Phlx–2013–101) (Order Granting Approval of Proposed Rule Change Regarding the Short Term Options Program).

[11] *Id.*

[12] *See* Cboe Exchange, Inc. Rules 4.5 and 4.13.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* note 10 above.

[16] *See* note 10 above.

[17] *See* note 12 above.

[18] *See* note 12 above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and subparagraph (f)(6) of Rule 19b–4 thereunder.[20]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [21] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [22] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that it may make these changes to clarify its rules and remove any ambiguity before the planned June 14, 2022 launch of VOLQ options. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as the proposed rule change does not raise any new or novel issues. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2022–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2022–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx–2022–25, and should be submitted on or before July 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12840 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34- 95080; File No. SR–DTC–2022–006]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

June 9, 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 26, 2022, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Clearing Agency Stress Testing Framework (Market Risk) (''ST Framework'') and the Clearing Agency Liquidity Risk Management Framework (''LRM Framework,'' and, together with the ST Framework, the ''Frameworks'') of DTC and its affiliates, National Securities Clearing Corporation (''NSCC'') and Fixed Income Clearing Corporation (''FICC,'' and together with NSCC and DTC, the ''Clearing Agencies''), as described below.

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the stress scenarios used for liquidity risk management, such that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

all such stress scenarios are described as either regulatory or informational scenarios.

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for the Government Securities Division of FICC (''GSD'') to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and the Mortgage-Backed Securities Division of FICC (''MBSD''); (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Clearing Agencies adopted the ST Framework to set forth the manner in which they identify, measure, monitor, and manage their respective credit exposures to participants and those arising from their respective payment, clearing, and settlement processes by, for example, maintaining sufficient prefunded financial resources to cover its credit exposures to each participant fully with a high degree of confidence and testing the sufficiency of those prefunded financial resources through stress testing.[3] In this way, the ST Framework describes the stress testing activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(4).[4]

The Clearing Agencies adopted the LRM Framework to set forth the manner in which they measure, monitor and manage the liquidity risks that arise in or are borne by each of the Clearing Agencies by, for example, (1) maintaining sufficient liquid resources to effect same-day settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the Clearing Agency in extreme but plausible market conditions, and (2) determining the amount and regularly testing the sufficiency of qualifying liquid resources by conducting stress testing of those resources.[5] In this way, the LRM Framework describes the liquidity risk management activities of each of the Clearing Agencies and how the Clearing Agencies meet the applicable requirements of Rule 17Ad–22(e)(7).[6]

The Clearing Agencies currently utilize vendor-supplied data in various aspects of the stress testing program for DTC, NSCC and MBSD. In 2020, in connection with enhancing stress testing for MBSD to utilize vendor-supplied data, FICC adopted changes to the MBSD Clearing Rules to describe the key components of the stress testing program.[7] These disclosures are redundant of the descriptions of stress testing in the ST Framework and create a potential risk of having inconsistent statements regarding the Clearing Agencies' stress testing program.

The Clearing Agencies are proposing changes to the Frameworks, described below, that would (1) enhance GSD stress testing, (2) reorganize, update and clarify the statements and descriptions already set forth in the Frameworks and (3) move all descriptions of stress testing to the ST Framework. While the proposal would include certain enhancements to the GSD stress testing, the Clearing Agencies are not proposing any material changes to how they conduct stress testing, manage credit exposures and liquidity risks, or otherwise comply with the requirements of Rules 17Ad–22(e)(4) and (7).[8]

First, the proposed rule change would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[9] from the LRM Framework to the ST Framework. In connection with this proposed change, the Clearing Agencies are also proposing to recategorize the liquidity stress scenarios by removing the Level 1, Level 2 and Level 3 labels and instead categorizing all stress scenarios as either regulatory or informational. As described in greater detail below, this proposed change is a change only to the categorization of these stress scenarios and is not a change to how the Clearing Agencies conduct liquidity stress testing or otherwise meet the requirements of Rule 17Ad–22(e)(7)(vi)(A).[10]

Second, the proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

Third, the proposed changes would amend the LRM Framework to update and clarify the statements in the LRM Framework, as further described below.

i. Proposed Amendments To Move Activities Related to Stress Testing Qualifying Liquid Resources From the LRM Framework to the ST Framework

First, the proposed changes would amend both the ST Framework and the LRM Framework to move descriptions of the Clearing Agencies' liquidity stress testing activities, which are designed to comply with the requirements of Rule 17Ad–22(e)(7)(vi),[11] from the LRM Framework to the ST Framework. These activities are primarily performed by the Stress Testing Team within the Group Chief Risk Office of DTCC (''GCRO''), which includes members of the Market Risk Management and the Liquidity Risk Management groups within the

[3] Securities Exchange Act Release No. 82368 (December 19, 2017), 82 FR 61082 (December 26, 2017) (SR–DTC–2017–005; SR–FICC–2017–009; SR–NSCC–2017–006) (''Initial ST Framework Filing'').

[4] 17 CFR 240.17Ad–22(e)(4).

[5] Securities Exchange Act Release Nos. 82377 (December 21, 2017), 82 FR 61617 (December 28, 2017) (File Nos. SR–DTC–2017–004; SR–FICC–2017–008; SR–NSCC–2017–005) (''Initial LRM Framework Filing'').

[6] 17 CFR 240.17Ad–22(e)(7).

[7] *See* Securities Exchange Act Release No. 88382 (March 13, 2020), 85 FR 15830 (March 19, 2020) (SR–FICC–2020–801) (''MBSD Stress Testing Filing'').

[8] 17 CFR 240.17Ad–22(e)(4) and (7).

[9] 17 CFR 240.17Ad–22(e)(7)(vi).

[10] 17 CFR 240.17Ad–22(e)(7)(vi)(A).

[11] 17 CFR 240.17Ad–22(e)(7)(vi).

GCRO.[12] The Stress Testing Team, which was previously responsible for stress testing the Clearing Agencies' prefunded financial resources, as part of the market risk management function, took over stress testing of the Clearing Agencies liquidity resources related to liquidity risk management in order to centralize stress testing activities and related responsibilities under one team. By moving the description of the Clearing Agencies' liquidity stress testing activities into the ST Framework, the proposed change would create a clearer, simpler description of the Clearing Agencies' collective stress testing activities in one document and would reflect the consolidation of these activities under the Stress Testing Team.

In order to implement this proposed change, a number of drafting changes are being proposed to both the ST Framework and the LRM Framework. First, Section 1 (Executive Summary) and Section 4 (Liquidity Risk Management Regulatory Requirements) of the LRM Framework would be amended to make clear that compliance with the requirements of Rule 17Ad–22(e)(7)(vi) are not addressed in that document, and are addressed in the ST Framework. Section 2 (Glossary of Key Terms) of the LRM Framework would also be amended to include definitions of ''Clearing Agency Stress Testing Framework'' and the ''Stress Testing Team,'' and to remove the definition of the Enterprise Stress Testing Council, which is an internal forum that addresses stress testing matters. Finally, Section 6 (Liquidity Risk Management) of the LRM Framework would be amended to describe at a high-level the activities related to stress testing of the Clearing Agencies' qualifying liquid resources and to state that these activities are described in greater detail in the ST Framework.

The proposed change would also require revisions throughout the ST Framework to include descriptions of liquidity stress testing activities that support the Clearing Agencies' compliance with the requirements of Rule 17Ad–22(e)(7)(vi) within the existing sections of the ST Framework. These proposed changes would include revisions to Section 1 (Executive Summary) of the ST Framework to clarify that stress testing related to liquidity risk management is described in this document, and revisions to Section 2 (Glossary of Key Terms) to include definitions related to these activities. These definitions would include the Liquidity Risk Management group within GCRO and a Clearing Agency Liquidity Risk Management Framework. Section 4 of the ST Framework would be renamed ''Stress Testing Requirements'' and would be amended to make clearer which requirements in Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, and to identify the documents where the requirements not addressed in the ST Framework are addressed.

The proposed changes to the ST Framework would create a new Section 6, which would be named ''Qualifying Liquid Resources—Liquidity Risk Management,'' to describe at a high-level how each of the Clearing Agencies determine the amount and regularly test the sufficiency of their respective qualifying liquid resources. This new section would include language that is substantially identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework.

The new Section 7 (Stress Testing Methodologies) (previously numbered Section 6) of the ST Framework would be updated to include descriptions of the methodologies used in liquidity stress testing. Such methodologies would not change substantively, and the language used in the revisions to this section would be substantively identical to language that would be removed from Section 6 (Liquidity Risk Management) of the LRM Framework. As described in greater detail below, the Clearing Agencies are proposing to revise the categorization of the liquidity stress scenarios, and those revisions would be reflected in this Section 7 of the ST Framework.

Finally, the new Section 8 of the ST Framework (previously numbered Section 7), which would be renamed ''Stress Testing Governance and Escalation Procedures,'' would be amended to include matters related to liquidity stress testing. More specifically, the new Section 8.1 would address governance and oversight of stress testing, which is set forth in a number of internal documents, and overseen by a stress testing committee, the Management Risk Committee and the Risk Committee of the Board of Directors of the Clearing Agencies. The new Section 8.2 would describe the daily monitoring for threshold breaches and liquidity shortfalls, and the escalations and actions that would follow those breaches. More specifically, the Clearing Agencies monitor for breaches of a ''Cover One Ratio,'' which is defined as the ratio of a family of affiliated Members' deficiency over the total value of the applicable Clearing Agencies' Clearing Fund or Participants Fund, excluding the sum value of the applicable family's required deposit to the Clearing Fund or Participants Fund, as applicable. With respect to liquidity stress testing, the Clearing Agencies monitor daily for liquidity shortfalls, which trigger a series of escalations and remediation actions, which would be identified in this new Section 8.2.

The new Section 8.3 would address comprehensive analyses of stress scenarios, which occur on at least a monthly basis and are designed to comply with the requirements of Rules 17Ad–22(e)(4)(vi)(B) and (C), and (7)(vi)(B) and (C). These analyses include (1) daily stress testing results, model parameters, model assumptions, and model performance, and (2) each stress scenario set for its comprehensiveness and relevance, including any changes or updates to such scenarios for the period. The new Section 8.4 would address the escalations and reporting of the monthly analyses of stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D). Finally, the new Section 8.5 would address the regular escalation of the results of stress testing, including any concerns related to those results, which are also designed to comply with Rules 17Ad–22(e)(4)(vi)(D) and (7)(vi)(D).

Each of these subsections would address stress testing related to market risk, using language that is currently in the ST Framework, and would include language to address liquidity stress testing that would be substantially similar to the language removed from the LRM Framework. Revisions to the language removed from the LRM Framework would be primarily drafting revisions, as the Clearing Agencies are not proposing changes to how they conduct liquidity stress testing.

ii. Proposed Amendments To Re-Categorize the Stress Scenarios Used for Liquidity Stress Testing

In connection with the changes described above, the proposed amendments would also reflect the recategorization of liquidity stress scenarios. Previously, liquidity stress scenarios were categorized as Level 1, 2 and 3 scenarios. Level 1 scenarios described qualifying liquid resources under normal market conditions and

[12] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies and its other subsidiaries. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a subsidiary, including the Clearing Agencies.

were considered ''baseline'' scenarios. Level 2 scenarios assumed a wide range of foreseeable stress scenarios that included, but were not limited to, the default of the family of affiliated Members that would generate the largest aggregate payment obligation for each Clearing Agency in extreme but plausible market conditions. These scenarios were designed to identify the qualifying liquid resources each Clearing Agency should maintain to meet compliance with Rule 17Ad–22(e)(7)(i). Finally, the Level 3 scenarios were divided into either (1) regulatory scenarios, which were designed to meet the requirements of Rule 17Ad–22(e)(7)(vi)(A), and (2) informational scenarios, which were designed to be performed for informational and monitoring purposes using stress scenarios that exceed the requirements of Rule 17Ad–22(e)(7)(vi)(A).

While the Clearing Agencies continue to maintain a wide range of stress scenarios that are designed to comply with the requirements of Rule 17Ad–22(e)(7), in order to simplify the descriptions of its liquidity stress scenarios and align them with the categorization of market risk stress scenarios, the Clearing Agencies have re-categorized the liquidity stress scenarios and eliminated the Level 1, Level 2 and Level 3 categories. Instead, all stress scenarios would be described in Section 6 of the ST Framework as being either (1) regulatory stress scenarios, which are designed to comply with the requirements of Rules 17Ad–22(e)(4)(i) and (vi)(A), and Rules 17Ad–22(e)(7)(i) and (vi)(A); or (2) informational stress scenarios, which may utilize parameters and assumptions that exceed the requirements of Rules 17Ad–22(e)(4)(vi)(A) and (7)(vi)(A) and are utilized for informational, analytical and/or monitoring purposes only.

iii. Proposed Amendments to the ST Framework

The proposed changes would amend the ST Framework to (1) enhance stress testing for GSD to obtain certain data utilized in stress testing from external vendors and implement a back-up stress testing calculation that would be utilized in the event such data is not supplied by its vendors, and amend the ST Framework to reflect these practices for both GSD and MBSD; (2) reflect that a stress testing team is primarily responsible for the actions described in the ST Framework, and (3) make other revisions to update and clarify the statements in the ST Framework, as further described below.

1. Enhance GSD Stress Testing To Use Vendor-Sourced Data

First, the proposed changes would enhance GSD stress testing to utilize vendor-supplied historical risk factor time series data (''Historical Data'') and vendor-supplied security-level risk sensitivity data (''Security-Level Data'') in the stress testing program. This proposed enhancement would be similar to the approach utilized in MBSD stress testing.[13]

The vendor-sourced Historical Data would include data regarding (1) interest rate, (2) implied inflation rate, (3) agency spread, (4) mortgage option adjusted spread, (5) interest rate volatility, and (6) mortgage basis. The vendor-sourced Security-Level Data would include data regarding (1) sensitivity to interest rates, (2) implied inflation rate, (3) agency spread, (4) convexity, (5) sensitivity to mortgage option adjusted spread, (6) sensitivity to interest rate volatility, and (7) sensitivity to mortgage basis. FICC currently utilizes the Historical Data and Security-Level Data in GSD's value-at-risk (''VaR'') model, which calculates the VaR Charge component of GSD's Clearing Fund (referred to in the GSD Rulebook as Required Fund Deposit).[14] FICC would use this same data set in GSD's stress testing program.

As described in greater detail in the ST Framework,[15] stress testing involves three key components: (1) risk identification, (2) scenario development, which involves the construction of comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios; and (3) risk measurement and aggregation, in which risk metrics are calculated to estimate the profits and losses in connection with the hypothetical close out of a participant's portfolio in certain stress scenarios.

FICC would utilize the vendor-sourced data in the development of historical stress scenarios and in the risk measurement and aggregation process of the GSD stress testing program. More specifically, the Historical Data would be used to identify the largest historical changes of risk factors that influence the pricing of product cleared by GSD, in connection with the development of stress scenarios. The vendor-sourced Historical Data would identify stress risk exposures under broader and more varied market conditions than the data currently available to FICC.

FICC would utilize both the Historical Data and the Security-Level Data in the risk measurement and aggregation process of stress testing. FICC believes that the vendor-sourced Security-Level Data is more stable and robust than the data currently utilized by FICC for GSD stress testing. Because the stress profits and losses calculation that occur in connection with the risk measurement and aggregation process in stress testing would include Security-Level Data, FICC believes that the calculated results would be improved and would reflect results that are closer to actual price changes for government securities during larger market moves which are typical of stress testing scenarios.

Finally, the proposed changes to enhance GSD stress testing would also implement a back-up calculation that GSD would utilize in the event that the vendor fails to provide such data to GSD. Specifically, if the vendor fails to provide any data or a significant portion of data in accordance with the timeframes agreed to by FICC and the vendor, FICC would use the most recently available data on the first day that such disruption occurs in its stress testing calculations. Subject to discussions with the vendor, if FICC determines that the vendor would resume providing data within five (5) Business Days, FICC would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the back-up calculation (as described below) should be invoked. Subject to discussions with the vendor, if FICC determines that the data disruption would extend beyond five (5) Business Days, the back-up calculation would be employed for daily stress testing, subject to appropriate internal governance.

The proposed back-up calculation would include the following calculations: (1) calculate each Netting Member's portfolio net exposures, (2) calculate the historical stress return, and (3) calculate each Netting Member's stress profits and losses. FICC would use publicly available indices as the data source for the stress return calculations. This calculation would be referred to as the Back-up Stress Testing Calculation in the ST Framework.

The Clearing Agencies would describe the use of vendor-sourced data in stress testing for GSD and MBSD and the Back-up Stress Testing Calculation, as described above, in a new Section 7.1 of the ST Framework.

[13] *See supra* note 7.

[14] GSD Rulebook, *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf.*

[15] These key components of stress testing are also described in the Initial ST Framework Filing. *See supra* note 3.

2. Identify the Stress Testing Team as Responsible for Stress Testing

As described above, stress testing for the Clearing Agencies is primarily performed by the Stress Testing Team, which includes members of both Market Risk Management and Liquidity Risk Management of DTCC within GCRO. The Stress Testing Team took over stress testing responsibilities related to liquidity risk management in late 2019 to centralize stress testing and related responsibilities under one team.

Therefore, the Clearing Agencies are proposing to include a general statement in Section 1 (Executive Summary) of the ST Framework that, unless otherwise specified, actions in the ST Framework related to stress testing are performed by the Stress Testing Team. The proposed changes would also amend Section 3 (Framework Ownership and Change Management) of the ST Framework to make it clear that the Stress Testing Team owns and manages the ST Framework and is responsible for reviewing the ST Framework no less frequently than annually.

In connection with this proposed change, the ST Framework would also be updated to describe actions related to stress testing without specifically identifying the group responsible for those actions. These proposed changes would simplify the descriptions in the ST Framework, while clarifying the team responsible for conducting these actions in a general statement in the ST Framework.

3. Update and Clarify the ST Framework

Finally, the proposed changes would also make immaterial revisions to update and clarify the ST Framework. For example, the proposed changes would update the names of certain documents that support the ST Framework to refer to the Clearing Agencies, rather than DTCC, in the document titles. These documents were renamed to conform to internal document naming conventions. The proposed changes would also amend Section 2 (Glossary of Key Terms) of the ST Framework to clarify and simplify the use of certain key terms. For example, the proposed changes would move the definitions of ''Members'' and ''Participants'' from a footnote in Section 4 to this Section 2, and would update the definition of ''BRC,'' which refers to the Risk Committee of the Boards of Directors of the Clearing Agency, to be more descriptive.

The proposed amendments would update Section 4 (Stress Testing Requirements) of the ST Framework to (1) more clearly state which requirements under Rules 17Ad–22(e)(4) and (7) are addressed in the ST Framework, (2) identify the separate documents that describe the requirements that are not addressed in the ST Framework, and (3) identify the requirements that are not applicable to the Clearing Agencies and, therefore, not described in any document.

Finally, the proposed change would also revise the description of reverse stress testing to more clearly describe the goal and purpose of this testing.[16] Specifically, reverse stress testing is used to identify tail risks by using extreme stress scenarios. In this way, reverse stress testing, which is conducting semi-annually, can be used to inform regular stress testing activities. The proposed changes would provide more transparency into the purpose of reverse stress testing conducted by the Clearing Agencies.

None of these proposed changes would make substantive revisions to the ST Framework or reflect material changes to how the Clearing Agencies conduct the activities described in the ST Framework but would update and clarify those descriptions.

iv. Proposed Amendments To Update and Clarify the LRM Framework

In addition to removing descriptions of stress testing activities from the LRM Framework, the proposed changes would also make immaterial revisions to update and clarify the LRM Framework. For example, the proposed changes would update the name of the team within the GCRO that is responsible for liquidity risk management from the Liquidity Product Risk Unit, or LPRU, to Liquidity Risk Management. This proposed change would reflect a recent organizational change to the name of this group.

Additionally, the proposed changes would update Section 10 (Liquidity Risk Tolerances) of the LRM Framework to state that an officer in Liquidity Risk Management is responsible for reviewing the Liquidity Risk Tolerance Statement.[17] The LRM Framework currently identifies the specific title of the individual who is responsible for reviewing the Liquidity Risk Tolerance Statement on at least an annual basis. The proposed change would provide the Clearing Agencies with flexibility to change the title of the person responsible for this review.

v. Implementation Timeframe

Subject to approval by the Commission, the proposal to enhance GSD stress testing to use vendor-sourced data would be implemented no later than November 30, 2022. The remaining proposals would be implemented upon approval by the Commission.

2. Statutory Basis

The Clearing Agencies believe that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the proposed changes are consistent with Section 17A(b)(3)(F) of the Act,[18] and Rule 17Ad–22(e)(4) under the Act,[19] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency 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, for the reasons described below.[20] As described above, the proposed changes would (1) amend both the ST Framework and the LRM Framework to move the descriptions of liquidity stress testing from the LRM Framework to the ST Framework; (2) simplify the categorization of the liquidity stress scenarios; (3) amend the ST Framework to reflect that the Stress Testing Team is primarily responsible for stress testing activities; (4) update and clarify descriptions within the ST Framework; and (5) update and clarify descriptions within the LRM Framework, as described above.

The ST Framework currently describes how each of the Clearing Agencies carry out a market risk management strategy to maintain sufficient prefunded financial resources to cover fully its exposures to each participant fully with a high degree of confidence. As such, the market risk management strategy of the Clearing Agencies addresses their respective market risk exposures and allows them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or

[16] Tail risk generally refers to risks of outcomes that are caused by extreme or rare events.

[17] The Liquidity Risk Tolerance Statement is liquidity risk management control that, among other things, (1) defines liquidity risk and describes how liquidity risk would materialize for each Clearing Agency specifically, (2) sets forth how liquidity risk is monitored by the Clearing Agencies, and (3) describes the various risk tolerance levels and thresholds for each the Clearing Agency.

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17Ad–22(e)(4).

[20] *Id.*

for which they are responsible notwithstanding those risks.

The LRM Framework describes how each of the Clearing Agencies carry out its liquidity risk management strategy such that, with respect to FICC and NSCC, they maintain liquid resources sufficient to meet the potential amount of funding required to settle outstanding transactions of a defaulting participant or family of affiliated participants in a timely manner, and with respect to DTC, it maintains sufficient available liquid resources to complete system-wide settlement on each business day, with a high degree of confidence and notwithstanding the failure to settle of the participant or affiliated family of participants with the largest settlement obligation. As such, the Clearing Agencies' liquidity risk management strategies address the Clearing Agencies' maintenance of sufficient liquid resources, which allow them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the default of a participant or family of affiliated participants.

The proposed changes to reorganize the Frameworks, simplify the categorization of stress scenarios, and make other updates to improve the clarity and accuracy of the descriptions within the Frameworks, as described in this filing, would assist the Clearing Agencies in carrying out their stress testing and liquidity risk management functions. Therefore, the Clearing Agencies believe the proposed changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[21]

The proposal to enhance the GSD stress testing to utilize vendor-sourced data and implement a back-up stress testing calculation is designed to be consistent with Rule 17Ad–22(e)(4) under the Act, which requires, in part, that a covered clearing agency 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 arising from its payment, clearing, and settlement processes.[22] Rule 17Ad–22(e)(4)(i) under the Act requires that a covered clearing agency maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[23]

FICC believes that the proposal to utilize Historical Data in the development of historical stress scenarios would incorporate a broad range of risk factors that enables GSD's model to better understand a Member's exposure to these risk factors. FICC also believes that the proposal to utilize Historical Data and Security-Level Data in the calculation of stress profits and losses for Members' portfolios would provide for calculated amounts that are closer to actual price changes for securities cleared at GSD during larger market moves in an effort to test the adequacy of GSD's prefunded resources. Lastly, FICC believes that the proposal to use a back-up calculation would help to ensure that FICC has a methodology in place that allows it to continue to measure the adequacy of GSD's prefunded financial resources in the event that the vendor fails to provide data. For these reasons, FICC believes that the proposed changes to utilize the vendor-sourced Historical Data and Security-Level Data in GSD stress testing would improve GSD's stress testing program, which is used to test the sufficiency of GSD's prefunded resources daily to support compliance with Rule 17Ad–22(e)(4)(i).

Furthermore, the proposal to adopt a back-up stress testing calculation in circumstances when the vendor-sourced data is unavailable would support GSD's stress testing program by ensuring that the program utilizes a predetermined calculation in the event of a disruption to its data source.

As such, FICC believes that these proposed changes are designed to be consistent with the requirements of Rule 17Ad–22(e)(4)(i) under the Act.[24]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed changes to the Frameworks described above would have any impact, or impose any burden, on competition. As described above, the proposed changes would reorganize the Frameworks to improve the clarity regarding the Clearing Agencies' stress testing activities and would make other updates and enhancements that would improve the clarity and accuracy of the descriptions of the Clearing Agencies' stress testing and liquidity risk management functions. Therefore, the proposed changes are technical and non-material in nature, relating mostly to the operation of the Frameworks rather than the risk management functions described therein.

Further, the proposed changes to enhance GSD stress testing to utilize vendor-sourced data and establish a back-up stress testing calculation would not have any impact, or impose any burden, on competition because this proposal does not affect the respective rights or obligations of Members that utilize GSD's services.

As such, the Clearing Agencies do not believe that the proposed rule changes would have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the SEC's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[21] *Id.*

[22] 17 CFR 240.17Ad–22(e)(4).

[23] 17 CFR 240.17Ad–22(e)(4)(i).

[24] *Id.*

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2022–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2022–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2022–006 and should be submitted on or before July 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12843 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95074; File No. SR–CboeBZX–2022–017]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend BZX Rule 11.17, Clearly Erroneous Executions

June 9, 2022.

On March 7, 2022, Cboe BZX Exchange, Inc. (the ''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 (i) make the current clearly erroneous execution (''CEE'') pilot program permanent, and (ii) limit the circumstances where CEE reviews would continue to be available during Regular Trading Hours. The proposed rule change was published for comment in the **Federal Register** on March 11, 2022.[3] On April 19, 2022, the Commission designated a longer period for Commission action on the proposed rule change, until June 9, 2022.[4] The Commission has received no comment letters on the proposal.

On June 8, 2022, the Exchange withdrew the proposed rule change (File No. SR–CboeBZX–2022–017).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12838 Filed 6–14–22; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94374 (March 7, 2022), 87 FR 14062.

[4] *See* Securities Exchange Act Release No. 94744, 87 FR 24351 (April 25, 2022).

[5] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 11763]

30-Day Notice of Proposed Information Collection: Affidavit of Relationship for Minors Who Are Nationals of El Salvador, Guatemala, or Honduras

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: The Department will accept comments from the public up to June 30, 2022.

ADDRESSES: Direct any comments on this emergency request to both the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB) and to PRM/A. For public comments, use the following text:

You may submit comments by any of the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

You may submit comments to PRM/A by the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2021–0014'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: SiramS@state.gov.* You must include *Emergency Submission Comment on ''information collection title''* in the subject line of your message.
- *Regular Mail:* Send written comments to Sumitra Siram, PRM/A, 2025 E St. NW, Washington, DC 20006.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection

listed in this notice, including requests for copies of the proposed collection instrument and supporting documents to Sumitra Siram, who may be reached on at *SiramS@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit of Relationship for Minors who are Nationals of El Salvador, Guatemala, or Honduras.
- *OMB Control Number:* 1405–0217.
- *Type of Request:* Notice of request for public comment.
- *Originating Office:* PRM/A.
- *Form Number:* DS–7699.
- *Respondents:* Those seeking qualified family members to access the U.S. Refugee Admissions Program.
- *Estimated Number of Respondents:* 2,000.
- *Estimated Number of Responses:* 2,000.
- *Average Time per Response:* One hour.
- *Total Estimated Burden Time:* 2,000 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

To obtain biographical information about children overseas who intend to seek access to the USRAP, as well as other eligible family members or caregivers, for verification by the U.S. government. This form also assists DHS's U.S. Citizenship and Immigration Services to verify parent-child relationships during refugee case adjudication. This form is necessary for implementation of this program.

Methodology

Working with a State Department contracted Resettlement Agencies (RA), qualifying individuals in the United States must complete the AOR and submit supporting documentation to: (a) establish that they meet the requirements for being a qualifying individual who currently falls into one of the aforementioned categories; (b) provide a list of qualifying family members who may seek access to refugee resettlement in the United States. Once completed, the form is sent by the RA to the Refugee Processing Center (RPC) for case creation and processing. The information is used by the RPC for case management; by USCIS to determine that the qualifying individual falls into one of the aforementioned categories; and by the Resettlement Support Center (RSC) for case prescreening and further processing after DHS interview. The International Organization for Migration (IOM) administers the RSC in Latin America under a Memorandum of Understanding with the Department to conduct case prescreening and assist in the processing of refugee applicants.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2022–12882 Filed 6–14–22; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF STATE

[Public Notice: 11761]

Notice of Charter Renewal for the Cultural Property Advisory Committee

The Charter of the Department of State's Cultural Property *Advisory Committee has been renewed for an additional two years.* The Department of State has renewed the Charter of the Cultural Property Advisory Committee. The Committee was established by the Convention on Cultural Property Implementation Act of 1983, 19 U.S.C. 2601 *et seq.,* to provide recommendations regarding requests for assistance from foreign governments under the UNESCO 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.* The Presidentially appointed members include individuals representing the interests of museums; experts in the fields of archaeology, anthropology, or related areas; experts in the international sale of archaeological, ethnological, and other cultural property; and individuals who represent the interests of the general public. The renewed Charter was filed with Congress on March 22, 2022.

FOR FURTHER INFORMATION CONTACT: Cultural Heritage Center, U.S. Department of State, Bureau of Educational and Cultural Affairs, 2200 C Street NW, Washington, DC 20522. Telephone: (202) 702–1166; Email *culprop@state.gov.*

Allison Davis,

Executive Director, Cultural Property Advisory Committee, Department of State.

[FR Doc. 2022–12866 Filed 6–14–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11762]

Notice of Public Meeting in Preparation for the International Maritime Organization III 8 Meeting

The Department of State will conduct a public meeting at 10:00 a.m. on Friday, July 22, 2022, by way of teleconference. The primary purpose of the meeting is to prepare for the eighth session of the International Maritime Organization's (IMO) Sub-Committee on Implementation of IMO Instruments (III 8) to be held virtually from Monday, July 25, 2022 to Friday, July 29, 2022.

Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants. To attain details on the teleconference line, participants should contact the meeting coordinator, Mr. Chris Gagnon, by email at *christopher.j.gagnon@uscg.mil.*

The agenda items to be considered at the public meeting mirror those to be considered at III 8, and include:

—Decisions of other IMO bodies;
—Consideration and analysis of reports on alleged inadequacy of port reception facilities;
—Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
—Measures to harmonize port state control (PSC) activities and procedures worldwide;
—Development of an entrant training manual for PSC personnel;
—Identified issues related to the implementation of IMO instruments from the analysis of PSC data;
—Analysis of consolidated audit summary reports;
—Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States;
—Updated survey guidelines under the Harmonized System of Survey and Certification (HSSC);
—Non-exhaustive list of obligations under the instruments relevant to the

IMO Instruments Implementation Code (III Code);
—Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications;
—Unified interpretation of provisions of IMO safety, security, and environment related conventions; and
—Follow-up work emanating from the Action Plan to address plastic litter from ships.

Please note: the IMO may, on short notice, adjust the III 8 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate may contact the meeting coordinator, Mr. Christopher Gagnon, by email at *christopher.j.gagnon@uscg.mil,* by phone at (202) 372–1231, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7501, Washington, DC 20593–7509. Members of the public needing reasonable accommodation should advise Mr. Gagnon not later than July 8, 2022. Requests made after that date will be considered, but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

(Authority: 22 U.S.C. 2656.)

Emily A. Rose,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2022–12876 Filed 6–14–22; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Programmatic Environmental Assessment and Mitigated Finding of No Significant Impact/Record of Decision for the SpaceX Starship/Super Heavy Launch Vehicle Program at the SpaceX Boca Chica Launch Site in Cameron County, Texas

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

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), Council on Environmental Quality NEPA-implementing regulations, and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures,* the FAA is announcing the availability of the Final Programmatic Environmental Assessment and Mitigated Finding of No Significant Impact/Record of Decision for the SpaceX Starship/Super Heavy Launch Vehicle Program at the SpaceX Boca Chica Launch Site (Final PEA and Mitigated FONSI/ROD).

FOR FURTHER INFORMATION CONTACT: Amy Hanson, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; phone (202) 243–7609; email *Amy.Hanson@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA is the lead agency. The National Aeronautics and Space Administration, National Park Service, U.S. Coast Guard, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service are cooperating agencies due to either their special expertise and/or jurisdiction. The FAA is evaluating SpaceX's proposal to conduct Starship/Super Heavy launch operations at its existing Boca Chica Launch Site in Cameron County, Texas. The proposal requires SpaceX to obtain an experimental permit and/or a vehicle operator license from the FAA. Under the Proposed Action, the FAA would issue an experimental permit(s) and/or vehicle operator license to SpaceX, which would authorize SpaceX to conduct Starship/Super Heavy launch operations at the Boca Chica Launch Site. Launch operations include launch vehicle landings at the Boca Chica Launch Site, in the Gulf of Mexico, or in the Pacific Ocean.

The Final PEA evaluated the potential environmental impacts of the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue new experimental permits or licenses to SpaceX for any test or launch operations at the Boca Chica Launch Site. SpaceX's non-licensed production and manufacturing would continue at its existing facilities and infrastructure would expand at its production facility. Non-licensed testing operations, including tank tests and static fire engine tests, would also continue at the existing Vertical Launch Area. In addition, SpaceX could conduct missions of the Starship prototype launch vehicle as authorized by the current license (LRLO 20–119). The current license expires on May 27, 2023. This alternative provides the basis for comparing the environmental consequences of the Proposed Action.

The FAA published a Draft PEA for public comment on September 17, 2021. The public comment period ended on November 1, 2021. The PEA was revised based on public comments, and the Final PEA includes responses to comments. The FAA has posted the Final PEA and Mitigated FONSI/ROD on the FAA Office of Commercial Space Transportation website: *https://www.faa.gov/space/stakeholder_engagement/spacex_starship/.*

Issued in Washington, DC, on June 10, 2022.

Stacey M. Zee,

Manager, Operations Support Branch, Office of Commercial Space Transportation.

[FR Doc. 2022–12888 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request to Release Property at Charlotte Douglas International Airport, Charlotte, NC (CLT)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration is requesting public comment on a request by City of Charlotte, to release of land (8.62 acres) at Charlotte Douglas International Airport from federal obligations.

DATES: Comments must be received on or before July 15, 2022.

ADDRESSES: Comments on this notice may be emailed to the FAA at the following email address: FAA/Memphis Airports District Office, Attn: Jamal R. Stovall, Community Planner, *Jamal.Stovall@faa.gov.*

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Haley Gentry, Aviation Director, Charlotte Douglas International Airport at the following address: 5601 Wilkinson Blvd., Charlotte, NC 28208.

FOR FURTHER INFORMATION CONTACT: Jamal R Stovall, Community Planner, Federal Aviation Administration, Memphis Airports District Office, 2600, Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482, *Jamal.Stovall@faa.gov.* The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for disposal at Charlotte Douglas International Airport, 5601 Wilkinson Blvd., Charlotte, NC 28208, under the provisions of 49 U.S.C. 47107(h)(2). The FAA determined that the request to release property at

Charlotte Douglas International Airport (CLT) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of these properties does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The request consists of the following:

The City of Charlotte is proposing the release of airport property totaling 8.620 acres. The 12-Parcels located along and in the vicinity of Walkers Ferry Road were originally acquired under the Storm Water Management Plan in connection with the third parallel runway. The parcels subject to this release are non-aeronautical in use. The Properties are currently being rezoned for industrial use. The industrial (I–2) designation means the property will be used/sold for general industrial purposes. Deed restrictions will subject the Properties to appropriate height and use restrictions and an avigation easement to ensure compatibility with the uses of the Airport nearby. The property is located to the west of Interstate 485 and The Charlotte Douglas International Airport, bordered on the south by Walkers Ferry Road.

This request will release this property from federal obligations. This action is taken under the provisions of 49 U.S.C. 47107(h)(2).

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Charlotte Douglas International Airport.

Issued in Memphis, Tennessee, on June 7, 2022.

Tommy L. Dupree,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2022–12885 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0105]

General Qualifications of Drivers: Small Business in Transportation Coalition; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the Small Business in Transportation Coalition (SBTC) has requested an exemption from the requirement that motor carriers not permit a person to drive a commercial motor vehicle unless the driver is capable of reading and speaking the English language sufficiently to communicate with the public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records. SBTC requests the exemption on behalf of all motor carriers in North American Industry Classification System (NAICS) category 484230 (Specialized Freight (except Used Goods) Trucking, Long-Distance) with revenues under $30 million. FMCSA requests public comment on the applicant's request for exemption.

DATES: Comments must be received on or before July 15, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2022–0105 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–2022–0105) 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: Ms. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 366–4225 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–2022–0105), 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–2022–0105'') 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. Applicant's Request

SBTC seeks an exemption from ''49 CFR 391.11(a) as it applies to 49 CFR 391.11(b)(2)'' on behalf of ''all motor carriers in NAICS category 484230 (Specialized Freight (except Used Goods) Trucking, Long-Distance) with revenues under $30 million, which are defined as 'small businesses' by the Small Business Administration.''

A copy of SBTC's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on SBTC's application for an exemption from the requirement in 49 CFR 391.11(a) ''as it relates to 49 CFR 391.11(b)(2).'' 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 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.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12874 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0157]

Hours of Service of Drivers: Pipe Line Contractors Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the exemption request from the Pipe Line Contractors Association (PLCA). The PLCA sought an exemption from certain hours-of-service (HOS) regulations for drivers of a variety of commercial motor vehicles (CMVs) employed by its member companies. The PLCA specifically sought an exemption from (1) the requirement of the short-haul exception that drivers return to the work reporting location from which they started the day; (2) the requirement that drivers use electronic logging devices (ELDs) if they must complete a record of duty status (RODS) on more than 8 days in any 30-day period; and (3) the prohibition on driving after having been on duty for 70 hours in 8 consecutive days. The PLCA also requested that CMV drivers used exclusively in the construction and servicing of pipelines be allowed the same HOS exceptions currently available for oilfield operations. FMCSA analyzed the exemption application and public comments, and determined that the application lacked evidence that would ensure a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–2722; *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, FMCSA–2020–0157 in the ''Keyword'' box and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket by visiting the Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain 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 also 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 decision of the Agency must be published 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 also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The PLCA is a trade association of unionized pipeline contractors specializing in the construction and maintenance of oil and gas transmission pipelines. According to the PLCA, its members are committed to completing every job with the highest level of attention to safety, quality, and environmental compliance. Pipeline jobs range from construction of major

interstate and intrastate pipelines to maintenance and repair work for utilities. These projects vary in duration, from a few weeks to six months or more on a major construction project. PLCA's members typically hire workers on a project-by-project basis who will work on multiple jobs each year, typically traveling all over the United States to do so. Pipeline construction companies operate fleets of CMVs, most of which are operated by holders of commercial driver's licenses (CDLs). PLCA believes that the current HOS regulations are ill-suited to address the needs and safety concerns of pipeline industry drivers. Pipeline contractors are skilled tradesman and driving is ancillary to their primary role as construction workers, as they typically spend only a few hours a day operating CMVs on public roads.

PLCA requested exemption from the following HOS provisions:

(1) The short-haul exception (49 CFR 395.1(e)(1)) was recently amended by the final rule adopted on June 1, 2020, with an effective date of September 29, 2020 (85 FR 33396). It retains the requirement that drivers return to the work reporting location from which they were dispatched in the morning. PLCA requested that drivers for its member companies who otherwise meet the requirements of the short-haul exception be allowed to return to a different location than the one where they started their workday.

(2) Drivers subject to the Agency's HOS regulations are required to use ELDs if they must complete RODS on more than 8 days in any 30-day period (49 CFR 395.8(a)(1)(iii)(A)(1)). PLCA requested that drivers for its member companies be allowed to use paper RODS unless RODS are required on more than 16 days in any 30-day period.

(3) Drivers are prohibited from driving CMVs after having been on duty for 70 hours in a period of 8 consecutive days (49 CFR 395.3(b)(2)). PLCA requested that drivers for its member companies be prohibited from driving only after having been on duty for 80 hours in 8 days. PLCA also requested that drivers of CMVs used exclusively in the construction and servicing of pipelines be allowed the same HOS exceptions currently available for oilfield operations (49 CFR 395.1(d)).

IV. Method To Ensure an Equivalent or Greater Level of Safety

PLCA asserted that granting the exemptions sought would not negatively impact safety. According to PLCA, drivers working for its member companies are not engaged in continuous driving; they work on the pipeline right-of-way, often operating different construction vehicles. Because of the different jobs they normally perform and the minimal driving they do, they are less susceptible to fatigue. The applicant added that as its members' employees spend most their day on the pipeline right-of-way and typically drive only at the start and end of the workday, their total driving time would not be extended. Pipeline drivers very rarely, if ever, utilize their entire 11 hours of allowable daily driving time. PLCA develops and administers, in conjunction with the industry's labor unions, robust training programs for union employees, including CMV drivers, focused on safe operations. PLCA member companies and their drivers have excellent safety records and the applicant did not anticipate any reduction in safety attributable to the granting of the exemptions sought. A copy of the exemption application is available for review in the docket for this notice.

V. Public Comments

On July 22, 2020, FMCSA requested public comments on PLCA's exemption application (85 FR 44356). The Agency received 25 comments. The Commercial Vehicle Safety Alliance (CVSA) and the American Academy of Sleep Medicine (AASM) opposed the application. CVSA commented that ''regardless of the amount of time spent driving, extended periods of on-duty time would subject a driver to fatigue. This fatigue would be greatest at the end of the workday, when PLCA says these drivers are most likely to be operating the commercial motor vehicle.'' CVSA added that ''the Federal Motor Carrier Safety Regulations are put into place to provide a framework of the minimum requirements to operate commercial motor vehicles safely. An exemption to those safety regulations should not be granted simply because it will increase productivity,'' The AASM also raised the issue of added driver fatigue in its comments.

There were 23 comments supporting PLCA's exemption request, 21 of which were identical form letters from its member companies. One individual also commented, and PLCA itself wrote: ''Now more than ever, pipeline contractors require flexibility to complete work quickly and efficiently.''

VI. FMCSA Safety Analysis and Decision

FMCSA has evaluated PLCA's application and the public comments and decided to deny the exemption. The HOS regulations limit when and how long an individual may drive, to ensure that drivers stay awake and alert while driving, and to help reduce the possibility of driver fatigue.

Recent amendments to the HOS rules which took effect September 29, 2020, increase the flexibility available to short-haul operations. However, the Agency did not amend the requirement that short-haul drivers return to the normal work reporting location, despite docket comments requesting such a change. PLCA did not provide enough data to demonstrate that the HOS changes it requested would achieve an equivalent level of safety. PLCA has not submitted any new evidence or safety data to support exemptions from the current HOS provisions.

PLCA provided no analysis of the safety performance of drivers who would operate using paper records of duty status under the exemption, nor did it provide analysis of how the risk of fatigue and crashes when operating without an ELD would be equivalent to the risk posed with a device installed on the vehicle. The PLCA application did not consider practical alternatives or provide an analysis of the safety impacts the requested exemption may cause and failed to offer countermeasures to ensure that the exemptions would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation. The application is therefore denied.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–12872 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0082]

Entry-Level Driver Training: Application for Exemption; Western Area Career and Technology Center

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Western Area Career and Technology Center (WACTC) has requested an exemption from the Theory and Behind-the-Wheel (BTW) instructor requirements contained in the entry-level driver training (ELDT) regulations for one prospective instructor. WACTC seeks an exemption from the requirement that instructors have at least two years of driving experience of

the same or higher class and/or the same endorsement level as the commercial motor vehicle (CMV) to be operated to satisfy the instructor requirements under the ELDT regulations.

DATES: Comments must be received on or before July 15, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2022–0082 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:* 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. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA–2022–0082). 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 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722 or *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Operations, telephone (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–2022–0082), 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–2022–0082'' in the ''Search'' box, and click ''Search.'' When the new screen appears, click on ''Documents'' button, then click the ''Comment'' button associated with the latest notice posted. Another screen will appear, insert the required information. Choose whether you are submitting your comment as an individual, an organization, or anonymous. Click ''Submit Comment.''

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 materials 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 certain Federal Motor Carrier Safety Regulations. 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 also 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 decision of the Agency must be published 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 also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulation(s)/Requirements

The ELDT regulations required compliance by February 7, 2022 and established minimum training standards for individuals applying for certain commercial driver's licenses (CDL) and defined curriculum standards for Theory and BTW training. It also established an online training provider registry (TPR), eligibility requirements for providers to be listed on the TPR, and requirements for instructors. Under 49 CFR 380.713, a training provider must use instructors who meet the definitions of ''theory instructor'' and ''behind-the-wheel (BTW) instructor'' in 49 CFR 380.605. The definitions of ''theory instructor'' and ''BTW instructor'' in 49 CFR 380.605 require that instructors hold a CDL of the same (or higher) class, with all endorsements necessary to operate the CMV for which training is to be provided; have either: (1) a minimum of 2 years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement; or (2) at least two years of experience as a BTW CMV instructor; and meet all applicable State qualification requirements for CMV instructors.

Applicant's Request

WACTC requests an exemption from the requirement in 49 CFR 380.713 that a training provider use instructors who meet the definitions of ''theory instructor'' and ''BTW instructor'' in 49 CFR 380.605. WACTC specifies that it would like to use one driver training instructor who does not have two years of required driving experience.

WACTC states that it has been difficult to find qualified instructors. WACTC indicates that it has found one potential instructor, Drew Ley, who is more than capable of implementing a curriculum and training program that not only meets the ELDT regulations but will also ensure safe, knowledgeable, and skilled CMV drivers. WACTC states that Mr. Ley will meet the ELDT

regulation's requirement for two years of driving experience with a Class A CDL in August 2022.

WACTC states that it conducts monthly classes in which students achieve 160 hours of practical training, with four students per class. The ratio of instructor to students (1 to 4) ''provides a more individualized training approach as well as the ability to address individual student needs and/or concerns as they may arise.'' According to WACTC, the impact of this exemption being denied would be devastating not only to its CDL program, but to the Adult Education Department as a whole. WACTC asserts that its CDL program is the most popular and successful program offered and helps stabilize other struggling programs through a steady stream of revenue.

A copy of the WACTC application for exemption is included in the docket for this notice.

IV. Equivalent Level of Safety

WACTC believes that Mr. Ley makes up for his failure to have two years of required driving experience with his experience with the FMCSA regulations and his current and previous qualifications. Prior to FMCSA's implementation of the ELDT regulations, Mr. Ley successfully trained four WACTC classes and achieved a 100% student completion rate. As an employee of the Commonwealth of Pennsylvania DOT (PennDOT), Mr. Ley audited and verified third-party testing sites, routes, and CDL examiners to assure compliance with PennDOT regulations. He also assisted in the training and bi-annual reviews of experienced and new CDL examiners and has extensive knowledge operating Class B vehicles with school bus and passenger endorsements. In addition, Mr. Ley has obtained a School Bus Instructor Certification, Certified Inspection Mechanic (class 7), certification as a licensed private Class C instructor, and has had a Class A CDL for a year and a half without restrictions. Furthermore, WACTC indicates that the exemption, if granted, would only be necessary until August 2022, when Mr. Ley will have had his Class A CDL for the required two years.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on WACTC's application for an exemption from the requirement in 49 CFR 380.713 to use instructors who meet the definitions of ''Theory instructor'' and ''Behind-the-wheel (BTW) instructor'' in 49 CFR 380.605. 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 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.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12873 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0180]

Commercial Driver's License (CDL) Testing; Application for Exemption: State of Minnesota

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition: Denial of reconsideration of request for exemption.

SUMMARY: FMCSA announces its decision to deny the State of Minnesota's request for reconsideration of the Agency's 2017 denial of an application for exemption from the regulations governing the commercial driver's license (CDL) skills testing procedures and practices. Specifically, the Agency denies Minnesota's request to perform the CDL skills test in the order specified in the CDL regulations. The Agency denies Minnesota's requested relief from the requirement to use the American Association of Motor Vehicle Administrators' (AAMVA) 2005 Test Model Score Sheet and from the requirement that skills tests be conducted in three parts.

DATES: This decision is effective June 15, 2022.

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.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–4225 or *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to *www.regulations.gov,* insert the docket number ''FMCSA–2016–0180'' in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click ''Browse Comments.''

To view documents mentioned in this notice as being available in the docket, go to *www.regulations.gov,* insert the docket number ''FMCSA–2016–0180'' in the keyword box, click ''Search,'' and chose the document to view.

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, 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain portions of the 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 also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the 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 compliance with the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49

CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Current Regulatory Requirements

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) [49 U.S.C. chapter 313, implemented by 49 CFR part 383] was designed to improve highway safety by ensuring that truck and bus drivers are qualified to drive a commercial motor vehicle (CMV). States issue CDLs to CMV operators, but the Federal government sets minimum requirements for the issuance of a CDL. Subpart H of part 383 sets forth the principal requirements governing State testing of applicants for a CDL.

IV. Background

On August 1, 2016, FMCSA published Minnesota's application for exemption from certain testing requirements in 49 CFR part 383 and requested public comment (81 FR 50592). Under § 383.133(c)(6) the CDL skills tests must be conducted in the following order: pre-trip inspection, vehicle control skills, and on-road skills. Minnesota asked that it be allowed to combine the second and third parts (vehicle control skills and on-road skills) and thus reduce the skills tests to two parts. The State also asked to be exempted from using the AAMVA 2005 Test Model Score Sheet. Finally, the State asked to be exempted from the requirement that applicants must pass the pre-trip inspection portion of the exam before proceeding to the balance of the test.

The Agency received 12 comments. Many opposed the request for relief from using the AAMVA Score Sheet during testing. Most also opposed allowing the State to shorten the testing to two parts and allowing applicants for a Minnesota CDL who fail the initial portion of the test to proceed to the on-road testing. Generally, those opposed felt that granting the exemptions would compromise the standardization of testing among the various States ensured by the existing regulations. On May 9, 2017, FMCSA denied Minnesota's application for exemption for the following reasons:

- FMCSA opposed allowing a State to amend the AAMVA Test Model Score Sheet, which has been validated for use by all States in testing prospective CDL holders. When a CDL driver moves to a new State and seeks to transfer his or her CDL to that State, universal use of the Score Sheet assures the new State that the driver met a baseline standard for safety when his or her CDL was first issued.
- FMCSA opposed combining the various elements of the skills tests. Under the proposed exemption, an individual could pass Minnesota's combined test even though he or she has exceeded the maximum point deduction allowed when the two portions of the skills tests (basic controls or on-road) are given separately.
- FMCSA opposed allowing CDL applicants to operate CMVs at highway speeds when they have not demonstrated the proper handling of the vehicle at lower speeds during the basic controls test.

V. Applicant's Request

In 2018, Minnesota requested reconsideration of FMCSA's denial of the exemption application. The State asked to be allowed to use its own scoresheet to score applicant drivers during the skills tests. Minnesota also requested to be allowed to combine vehicle control skills and on-road skills segments and thus have only two parts to its skills tests. Minnesota believes that FMCSA's denial letter does not accurately describe how its scoring is applied. Finally, Minnesota asked to be exempted from the requirement that applicants pass the pre-trip inspection portion of the exam before proceeding to the balance of the test. The State argued that the order in which the elements of the CDL skills tests are conducted does not result in unsafe conditions or the operation of a CMV at highway speeds. FMCSA's May 9, 2017, denial letter and the State's request for reconsideration are in the docket listed at the beginning of this notice.

VI. Equivalent Level of Safety

To ensure an equivalent level of safety, Minnesota asserts that its score sheet evaluates the same driving skills and contains the same inspection elements as the AAMVA score sheet. Regarding administering the skills tests out of order, Minnesota explained that exam stations are in residential and downtown areas across the State where traffic speeds are low. Once the vehicle inspection is completed, drivers travel at low speeds per traffic signs to the location where backing exercises are conducted. The basic controls segment consists of backing maneuvers with potential pull ups and is performed at very low speed. Consequently, drivers do not proceed to highway speeds prior to completing the basic control skills test.

VII. Public Comments

On November 30, 2020, FMCSA published a notice seeking public comment on the request for reconsideration (85 FR 76657). The Agency received five comments. The Minnesota School Bus Operators Association supported the exemption request, writing:

> If Minnesota Driver and Vehicle Services believes that the accommodations outlined in Doc FMSCA–2016–0180 will allow them to deliver CDL skills testing more efficiently and will allow for more CDL tests scheduled, we fully support those efforts. Additionally, in reviewing the request, we see no evidence that it would compromise the test or the safety of those applicant drivers. These requests appear to be minor in nature and will allow the testing sites more flexibility to conduct tests.

The remaining four respondents opposed the exemption: The Brotherhood of Locomotive Engineers and Trainmen (BLET); Commercial Vehicle Training Association (CVTA); Interstate Truck Driving School of MN, LLC (ITDS); and Mr. Michael Millard. The BLET wrote:

> Our concern with this exemption is the Minnesota equivalent to the road test for CDL applicants does not require drivers to be tested on crossing railroad tracks, therefore new CDL drivers are not required to display proper skills and awareness to safely cross railroad tracks with commercial vehicles. Many of the new drivers going through CDL training are immigrants from other countries and may not have experience crossing railroad tracks in this country.

The CVTA said, ''Granting the exemption would be problematic as it would be a formal approval of Minnesota's practice, and permit activities out of uniformity and congruence with the national system of CDL testing. Minnesota has offered no data as required by 49 CFR 381.310 to substantiate the claim that a two-part test is safer.''

The ITDS stated:

> The contradiction created by the Minnesota testing methods undermines the successfulness of proper training to comply with regulations. I respectfully request that the FMCSA deny the waiver request from the State of Minnesota. I suggest the state be required to implement the AAMVA testing model within 12 months to give the state adequate time to comply. This requirement would make it easier for the State of Minnesota to make any changes that might be required by proposed AAMVA modifications in 2022.

Mr. Millard commented:

> The trucking industry has had an increase in CMV crashes, and I suspect the largest

contributor is poorly trained drivers who are issued CDLs. I oppose Minnesota's request and struggle to understand why the state hasn't adopted the standardized testing to make it work. I believe it's haphazard to approve a plan without a written summary outlining the supposed better way. If Minnesota's way is better, then perhaps the FMCSR should be revised to follow suit. I see a slippery slope in non-standardized testing expanding by allowing Minnesota to deviate from standardized practices.

VIII. FMCSA Response to Comments and Decision

FMCSA carefully reviewed Minnesota's petition for reconsideration and the public comments. The Agency has concluded that Minnesota provided no additional information that would affect FMCSA's 2017 denial of the request for relief from use of the AAMVA testing model and no additional information to persuade the Agency to allow the State to conduct a two-part skills test. Therefore, the Agency denies the application for exemption from the CDL regulations and reaffirms its previous denial.

FMCSA believes that conducting the elements of the CDL skills test in order (*i.e.,* pre-trip, vehicle control skills test, on-road skills test) is the best practice for the safety and efficiency of the tester.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–12875 Filed 6–14–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Docket No.: OFAC–2022–0003]

Agency Information Collection Activities; Proposed Collection; Comment Request for Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Department of the Treasury's Office of Foreign Assets Control (OFAC) is soliciting comments concerning OFAC's Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts.

DATES: Written comments must be submitted on or before August 15, 2022 to be assured of consideration.

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

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions on the website for submitting comments.

Email: OFACReport@treasury.gov with Attn: Request for Comments (Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts).

Instructions: All submissions received must include the agency name and refer to Docket Number OFAC–2022–0003 and the OMB control number 1505–0243. Comments received will be made available to the public via *https://www.regulations.gov* or upon request, without change and including any personal information provided.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Title: Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts.

OMB Number: 1505–0243.

Type of Review: Extension without change of a currently approved collection.

Description: Section 561.504(b) of the Iranian Financial Sanctions Regulations, 31 CFR part 561 (IFSR), specifies that a U.S. financial institution that maintained a correspondent account or payable-through account for a foreign financial institution whose name is added to the List of Foreign Financial Institutions Subject to Correspondent Account or Payable-Through Account Sanctions (the ''CAPTA List'') on OFAC's website (*www.treasury.gov/ofac*) as subject to a prohibition on the maintaining of such accounts, must file a report with OFAC that provides complete information on the closing of each such account, and on all transactions processed or executed through the account pursuant to § 561.504, including the account outside of the United States to which funds remaining in the account were transferred. This report must be filed with OFAC within 30 days of closure of the account. This collection of information assists in verifying that U.S. financial institutions are complying with prohibitions on maintaining correspondent accounts or payable-through accounts for foreign financial institutions listed on the CAPTA List pursuant to the IFSR. The reports will be reviewed by OFAC and may be used for compliance and enforcement purposes by the agency.

Affected Public: The likely respondents affected by this collection of information are U.S. financial institutions maintaining correspondent accounts or payable-through accounts.

Estimated Number of Respondents: OFAC assesses that the estimate for the number of unique reporting respondents is approximately 1.

Frequency of Response: The estimated annual frequency of responses is approximately 1 response per respondent.

Estimated Total Number of Annual Responses: The estimated total number of responses per year is approximately 1.

Estimated Time per Response: OFAC assesses that there is an average time estimate of 2 hours per response.

Estimated Total Annual Burden Hours: The estimated total annual reporting burden is approximately 2 hours.

Request for Comments

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

(Authority: 44 U.S.C. 3501 *et seq.*)

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2022–12862 Filed 6–14–22; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Veterans Experience Office, Department of Veterans Affairs (VA).

ACTION: Notice of a new system of records.

SUMMARY: The Privacy Act of 1974 requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled ''Veterans Affairs Profile-VA'' (VA Profile) (192VA30). This system of records is an enterprise Master Data Management (MDM) solution that modernizes VA systems by ensuring VA customer data is synchronized and shared across the VA, regardless of the channel used to provide the information. This system of records contains VA customer contact information to support a range of business activities that are used by Veterans, eligible beneficiaries, other VA customers, and the different administrations supporting VA customers.

DATES: Comments on this new system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system of records will become effective a minimum of 30 days after the date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

FOR FURTHER INFORMATION CONTACT: Trisha Dang, Veterans Experience Office (VEO), Department of Veterans Affairs, 810 Vermont Ave NW, Building 810, Washington DC 20420; Telephone (202) 461–9898; email *trisha.dang@va.gov*.

SUPPLEMENTARY INFORMATION: VA Profile is an enterprise Master Data Management (MDM) solution designed to provide a comprehensive VA customer Profile and to enable seamless interaction with authoritative sources of customer data. Starting with contact information, VA Profile will ensure that the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA), and the National Cemetery Administration (NCA) have access to accurate and timely information about Veterans and eligible beneficiaries. VA Profile will facilitate the updating of Veterans information, providing a complete view of their Master Record, enforce data specifications and data quality for each assigned VA Common Information Subject Area, and ensure key data is available and usable across the VA enterprise. Benefits of VA Profile for the Veteran include increased consistency, accuracy and timeliness of information received from VA; improved customer experience; enhanced VA customer engagement; and reduced burden to VA customers providing the same information multiple times to the VA.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Kurt D. DelBene, Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on May 9, 2022 for publication.

Dated: June 10, 2022.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

''Veterans Affairs Profile'' (VA Profile) (192VA30)

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

The VA Profile system maintains records in a system known as the VA Profile Data Repository (VA PROFILEDB) hosted in a containerized environment at a federally rated FISMA moderate data center at the Austin Information Technology Center (AITC), located at 1615 East Woodward Street, Austin, Texas 78772. Capabilities implemented in FY2020 and later will be hosted in the FISMA-high VA Enterprise Cloud (VAEC).

SYSTEM MANAGER(S):

Trisha Dang, Veterans Experience Office (VEO), Department of Veterans Affairs, 810 Vermont Ave. NW, Building 810, Washington, DC 20420; Telephone (202) 461–9898; email *trisha.dang@va.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Section 501 and Section 7304.

PURPOSE(S) OF THE SYSTEM:

The purpose of VA Profile is to source authoritative common and shared information about VA customers, starting with contact information. Information in this system of records is mastered, meets VA data quality standards, and allows VA customers to use a single touchpoint to update contact information and other key data. VA Profile will enable synchronization of information to provide each VA administration with an updated, accurate, and timely customer Profile. VA Profile is the authoritative storage repository for certain common customer data, specifically contact information, and VA Profile functions as a pass-through with synchronization of customer Profile data stored in other VA authoritative data sources.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in the system contain Veteran and eligible beneficiary information. This includes Veterans and eligible beneficiaries who are receiving or have received benefits from VBA, Veterans who are receiving or have received healthcare from VHA, and records of other beneficiaries entitled to VHA healthcare.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records, or information contained in the system of records, may include identifying information and will store contact information, specifically: mailing and residence address, daytime, evening, mobile, and fax phone numbers, and personal email address. VA Profile Services are used to share common data with other VA systems and lines of business.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by Veterans, their families and/or advocates, eligible dependents, and those in the VA workforce located at the facilities where customer Records in the VA Profile system may be accessed, and is synchronized with other VA systems and applications under the following Systems of Records: National Patient Database-VA (121VA10A7), VA/DoD Identity Repository (138VA005Q), Enrollment and Eligibility Records-VA (147VA10), Veterans Health Information Systems and Technology Architecture (VistA) Records-VA (79VA10), VBA Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records (58VA21/22/28), Administrative Data Repository—VA (150VA19).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. *Congress:* VA may disclose information to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. *Data breach response and remediation, for VA:* VA may disclose information to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records,· (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. *Data breach response and remediation, for another Federal agency:* VA may disclose information to another Federal agency or Federal entity, when VA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

4. *Law Enforcement:* VA may disclose information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law. The disclosure of the names and addresses of veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

5. *DoJ for Litigation or Administrative Proceeding:* VA may disclose information to the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

(a) VA or any component thereof;

(b) Any VA employee in his or her official capacity;

(c) Any VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or

(d) The United States, where VA determines that litigation is likely to affect the agency or any of its components, is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

6. *Contractors:* VA may disclose information to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

7. *OPM:* VA may disclose information to the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

8. *EEOC:* VA may disclose information to the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

9. *FLRA:* VA may disclose information to the Federal Labor Relations Authority (FLRA) in connection with: the investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised; matters before the Federal Service Impasses Panel; and the investigation of representation petitions and the conduct or supervision of representation elections.

10. *MSPB:* VA may disclose information to the Merit Systems Protection Board (MSPB) and the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

11. *NARA:* VA may disclose information to NARA in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

11. *Federal Agencies, for Computer Matches:* VA may disclose information from this system to other federal agencies for the purpose of conducting computer matches to obtain information to determine or verify eligibility of veterans receiving VA benefits or medical care under Title 38, U.S.C.

12. *Federal Agencies, for Research:* VA may disclose information to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency.

13. *Researchers, for Research:* VA may disclose information from this system to epidemiological and other research facilities approved by the Under Secretary for Health for research purposes determined to be necessary and proper, provided that the names and addresses of veterans and their dependents will not be disclosed unless those names and addresses are first provided to VA by the facilities making the request.

14. *Federal Agencies, Courts, Litigants, for Litigation or Administrative Proceedings:* VA may disclose information to another federal agency, court, or party in litigation before a court or in an administrative proceeding conducted by a Federal agency, when the government is a party to the judicial or administrative proceeding.

15. *Consumer Reporting Agencies:* VA may disclose information as is reasonably necessary to identify such individual or concerning that individual's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the Department, to a consumer reporting agency for the purpose of locating the individual, obtaining a consumer report to determine the ability of the individual to repay an indebtedness to the United States, or assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 57019(g)(2) and (4) have been met.

16. *Law Enforcement, for Locating Fugitive:* In compliance with 38 U.S.C. 5313B(d), VA may disclose information from this system of records to any Federal, state, local, tribal, or foreign law enforcement agency to identify, locate, or report a known fugitive felon. If the disclosure is in response to a request from a law enforcement entity, the request must meet the requirements for a qualifying law enforcement request under the Privacy Act, 5 U.S.C. 552a(b)(7).

17. *OMB:* VA may disclose information to the Office of Management and Budget (OMB) for the performance of its statutory responsibilities for evaluating Federal programs.

18. *Nonprofits, for Release of Names and Addresses (RONA):* VA may disclose the name(s) and address(es) of present or former members of the armed services or their beneficiaries: (1) to a nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such organization, agency, or instrumentality has made a written request that such names or addresses be provided for a purpose authorized by law; provided that the records will not be used for any purpose other than that stated in the request and that organization, agency, or instrumentality is aware of the penalty provision of 38 U.S.C. 5701(f).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The VA Profile system will utilize both Government and Commercial Off-the Shelf (GOTS) and (COTS) platforms that will be hosted initially at the VA Austin Information Technology Center in Austin, TX. The platform will be Trusted internet Connection (TIC) certified and Federal Risk and Authorization Management Program (FedRAMP) certified and meet all requirements for Federal Information Security Management Act of 2002 (FISMA) Moderate compliance. Hosting transitioned to a FedRAMP certified VA Government Cloud (GovCloud) site in early Federal Fiscal Year (FFY) 2020 and meets all requirements for Federal Information Security Management Act of 2002 (FISMA) High compliance. Records will be maintained at an OI&T approved VA sponsored data warehouse location via secured cloud storage.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by assigned identifiers, such as an internal entry number of a partner system that maintains information on the individuals. Only those with assigned rights, as defined in their SSO login, will have access to records at a specific record level. Aggregated, non-attributional data will be retrieved via geolocation and provided to management at those locations.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

VA Profile records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States. The records are disposed of in accordance with General Records Schedule 20, item 4. Item 4 provides for deletion of data files when the agency determines that the files are no longer needed for administrative, legal, audit, or other operational purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to and use of national administrative databases, warehouses, data marts and cloud storage sites are limited to those persons whose official duties require such access, and the VA has established security procedures to ensure that access is appropriately limited. Information security officers and system data stewards review and authorize data access requests. VA regulates data access with security software that authenticates users and requires individually unique codes and passwords. VA provides information security training to all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality.

VA maintains Business Associate Agreements and Non-Disclosure Agreements with contracted resources to maintain confidentiality of the information.

Physical access to computer rooms housing national administrative databases, warehouses, and data marts is restricted to authorized staff and protected by a variety of security devices. Unauthorized employees, contractors, and other staff are not allowed in computer rooms. The Federal Protective Service or other security personnel provide physical security for the buildings housing computer rooms and data centers.

Data transmissions between operational systems and national administrative databases, warehouses, and data marts maintained by this system of record are protected by state-of-the-art telecommunication software and hardware. This may include firewalls, intrusion detection devices, encryption, and other security measures necessary to safeguard data as it travels across the VA Wide Area Network.

In most cases, copies of back-up computer files are maintained at off-site locations.

RECORD ACCESS PROCEDURES:

An individual (or duly authorized representative of such individual) who seeks access to or wishes to contest records maintained under his or her name or other personal identifier may write or call the individual listed under Notification Procedure below.

CONTESTING RECORD PROCEDURES:

See Notification Procedure below.

NOTIFICATION PROCEDURES:

Individuals seeking information regarding access to and contesting of records maintained by VA may write, call, or visit the nearest VA regional office or VHA facility. Address locations for VBA regional offices are listed in VA Appendix 1 of 58VA21/22/28 and address locations for VHA facilities are listed in VA Appendix 1 of the biennial publications of Privacy Act Issuances.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

N/A, this is a new SORN.

[FR Doc. 2022–12864 Filed 6–14–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0162]

Agency Information Collection Activity: Monthly Certification of Flight Training

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the revision of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each revision of information, including each revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 15, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to

''OMB Control No. 2900–0162'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0162'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3032(e), 3231(e), 3313(g)(3)(C), and 3680(g); 38 CFR 21.4203(g), 21.7640(a)(5); 10 U.S.C. 16131, and 10 U.S.C. 16166.

Title: Monthly Certification of Flight Training.

OMB Control Number: 2900–0162.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information from the collection to ensure that the amount of benefits payable to the student who is pursuing flight training is correct. Without this information, VA would not have a basis upon which to make payment.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,527 hours.

Estimated Average Burden Time per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,055.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–12830 Filed 6–14–22; 8:45 am]

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